# We, the undersigned

A HISTORY OF N.B. WOMEN 1784-1984

by ELSPETH TULLOCH

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# A Historical Overview of New Brunswick Women's Political and Legal Status 1784-1984

Elspeth Tulloch

for the

New Brunswick Advisory Council on the Status of Women

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**List of Abbreviations**

| | |
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| **C.S.A.** | **Canadian Suffrage Association** |
| **I.O.D.E.** | **Imperial Order Daughters of the Empire** |
| **L.C.W.** | **Local Council of Women** |
| **M.L.A.** | **Member of the Legislative Assembly** |
| **N.C.W.** | **National Council of Women** |
| **W.C.T.U.** | **Women's Christian Temperance Union** |
| **W.E.A.** | **Women's Enfranchisement Association** |

**Photos**

| | |
|---|---|
| **C.E.A.** | **Centre d'études acadiennes** |
| **H.I.L.A.S.C.** | **Harriet Irving Library Archives and Special Collections** |
| **M.M.** | **Moncton Museum** |
| **N.M.C.** | **National Museums of Canada** |
| **P.A.N.B.** | **Provincial Archives of New Brunswick** |
| **P.A.C.** | **Public Archives of Canada** |

## Author's Comments

Recorded history has been, to a large extent, men's history. This book does not pretend to give New Brunswick women their full place in written history. It is a beginning look at how women's political and legal status changed in New Brunswick between 1784 and 1984.

While official records exist of what New Brunswick men said and did regarding women's issues and actions, comparatively few such records about New Brunswick women, even the political agitators, were ever made. Much more investigation is required to uncover the richness of these women's stories. Letters, diaries, minute books, newspapers, and other resources must be examined to find out who these petitioners and lobbiers were, how they viewed the issues and how they worked. The passage of time makes research more difficult. In peak lobbying years, such as 1894 and 1899, thousands of people signed suffrage petitions which today no longer exist.

A study of the oral history of New Brunswick women could uncover even more examples of women's thoughts and actions that challenged the official norm. Oral histories could also alter our perception of women's daily lives and concerns. Such an approach would be particularly useful for uncovering the histories of aboriginal, francophone, Black and rural women who figure less frequently than urban anglophone club women in official historical literature and resources.

This study gives an idea of the officially-held attitudes regarding women over the course of the province's 200 year history and, to the extent possible, of women's efforts to influence change.

For our purposes, political status has been defined as one's right to vote and to run for political office, and legal status as how one is viewed and how one's actions are circumscribed by the law. Since the major change in

women's political status came with the right to vote, the suffrage movement in New Brunswick is examined at some length. It is followed by a brief chronology of firsts for women at various levels of government.

Progressive changes in women's legal status occurred throughout the province's history and a broad range of laws which specifically affected women is examined. This discussion is followed by examples of women who acted against legal strictures and a brief chronology of women involved in the administration of justice.

The past 200 years have brought the most dramatic changes ever in women's rights and perceived roles and abilities. Many social and economic factors contributed to these changes: immigration, urbanization, industrialization, technological evolution, developments in social thought. But no changes could have taken place without women, themselves, demanding them.

This book is dedicated to these women, to those who organized, petitioned, lobbied, and to those who simply wondered what if and why not and passed the question on. May their full story be told one day.

Elspeth Tulloch

# "Agitate, Educate, Organize" An Introduction

To say that women have not had a place in New Brunswick's written history would not be quite correct. They have, but a place far from reflecting the full spectrum of their contributions and struggles as a group. New Brunswick women appear in annals for having accomplished non-traditional or extraordinary things (Mary Cannon, an 18th century manager of huge tracts of land; Ann Mott, a 19th century newspaper publisher; Julia Beckwith-Hart, a 19th century and Canada's first native-born novelist; Sarah Edmonds, a 19th century spy; Muriel Fergusson, a 20th century senator). They have been celebrated as peoples' heroines (Malabim of Maliseet oral tradition; Madame Latour of 17th century Acadia rivalries; Tante la Blanche, helper of 18th century Madawaskan poor; Lady Alice Tilley, 19th century Fredericton philanthropist; Marguerite Michaud, 20th century educator). They have been aggrandized into myth and symbol: Evangéline. They have been acclaimed for their fertility, eulogized for their role in the survival of their race, as guardians of religion, culture and home. A few have been remembered for their work as nuns, sage healers and midwives.

Yet, as a group which shares a common heritage, women have not been examined in New Brunswick histories. New Brunswick

women have made important contributions to many fields, from agriculture to health services, from education to social reform. They have experienced social upheavals in ways different from men. As a sex they have shared concerns and sought innovations in areas different from men's predominant concerns, such as reproductive health care, child-rearing, household management, home remedies, marital property laws and the right to employment. Yet, women perhaps most often appear simply as wives, wives of common men or wives of prominent New Brunswickers, and history is not always respectful of even these women.

Hannah Carleton, who was married to New Brunswick's first Governor, Thomas Carleton, receives short and peculiar mention in W.S. MacNutt's *New Brunswick, A History: 1784-1867* (1963), in a letter from Mather Byles, an early Saint John rector, to Ward Chipman, a New Brunswick lawyer:

> [*Thomas Carleton's*] *rigid, military disposition could not have been softened by his spouse. "Do you know the reason why Mrs. C. doesn't like to ride in a sleigh with two horses? She thinks two horses look sociable and she hates everything that looks sociable."* [1]

Amelia Fisher, who was married to Charles Fisher, a mid-19th century member of the New Brunswick House of Assembly and later a Supreme Court Judge of New Brunswick, receives memorable treatment in Marc La Terreur's *Dictionary of Canadian Biography* (1972):

> *Little is known of Mrs. Fisher except that she was inarticulate. An apocryphal story is worth repeating because it may contain a germ of truth. On the occasion of Fisher's elevation to the bench Mrs. Fisher asked "You'll be 'Your Honour' and what will I be?" He replied instantly, "You will be the same damned old fool you always were".*[2]

School history texts have neglected women's presence. One, *New Brunswick: The Story of our Province*, published in 1965 and used for 11 years in New Brunswick schools, begins: "Has your father or grandfather ever told you the story of his life?"[3] This same history textbook, when noting the mood at the end of the First World War, states, "Men now demanded a better, safer life for themselves and their children".[4] Indeed, this textbook is fraught with omissions of women's part in history. Even in recent publications, although there are some exceptions, women are curiously and conspicuously absent. For example, in a chapter entitled "La Politique et les Acadiens" in *Les Acadiens des*

*Maritimes* (1980), women's attainment of the right to vote is not mentioned, although Roman Catholic men's right to vote which was won in 1810 is discussed. It is indeed the history of Acadiens and not Acadiennes.

New Brunswick women's advocacy for rights and recognition has a long history. Like any group which is greatly under-represented in the Legislative Assembly and in decision-making positions in industry and government, women have had to resort to indirect methods to demand their rights, expose their grievances, exert their influence.

While these activists' full story has yet to be told, what we know of their numerous lobbies over the years is impressive and inspiring. While they were outside the realms of power, these women demonstrated a sense that they could change things if they worked long and hard enough. In major lobby campaigns, such as during the women's suffrage struggle, one senses these women's frustrations as they begin to realize their lack of power — which is clearly measured by the very length of their lobby.

Whether it be Phebe McMonagle in 1808, the Women's Enfranchisement Association in 1895, the Women's Institutes in 1933, the Business and Professional Women's Club in 1953, the Groupe de femmes francophones de la région de Moncton in 1968 or Sandra Lovelace in 1977, New Brunswick women singly or in groups have been putting their names to petitions or briefs asking for what they believe is justly theirs.

Women have also been bringing women's and human rights matters to court or to political attention, challenging society's views on their place. In 1800, Nancy asked to be a free Black. In 1905, Mabel French asked to be admitted to the bar. Both cases went before the Supreme Court of New Brunswick. In 1849, Martha Hamm Lewis required an Order-in-Council from the lieutenant-governor to attend Saint John's Normal School. In 1885, Mary Tibbits sought legal advice on whether she could be legally considered a person and admitted to the University of New Brunswick. In 1977, Sandra Lovelace appealed to the United Nations Human Rights Committee to rule on sex and racial discrimination in the *Indian Act*.

These women were up against popularly-held or at least officially-held ideas regarding women's place and abilities. Often, the ideas about women's role voiced by politicians, editors and judges did not reflect the reality or the demands of women of the time. In fact, the more narrowly politicians, editors or judges defined women's role, the more severe were the social changes these men foresaw and the more threatened they may have been by changes in women's roles.

For instance, while certain politicians in the 1890's were insisting that women's place was strictly in the home raising children, over 11% of females aged 10 and older were already in the work force, making up over 12% of the work force.[5] Although evidence suggests that most of these women were single, married women in difficult financial straits had been working outside the home since New Brunswick's early days, and widows were known to continue running the businesses their husbands had established.

By 1911, still in the middle of the suffrage debate and the accompanying debate on women's place, 15% of women aged 15 and over were in the work force and their numbers continued rising steadily (1921, 16%; 1941, 18%; 1961, 25%; 1971, 34%; 1981, 45%)[6]. For brief periods, the two World Wars brought many New Brunswick women into new roles, temporarily shaking conceptions about women's place and abilities. Married women began moving into the work force in significant and stable numbers in the 1950's. By 1961, 17% of married women in New Brunswick worked, by 1971, 32% and by 1981, 46%.[7]

Most politicians of a century ago correctly sensed the immense social changes women's steps beyond the domestic sphere would eventually entail and while some politicians feared such change and cried all the louder for women's retention in the home, others applauded women's widening opportunities.

Not only did the late 19th century witness women's increased participation in the work force, but it also saw women's entrance into the ranks of post-secondary education. New Brunswick's Normal Schools had opened their doors to women in 1848 and 1849; in 1872, Mount Allison Wesleyan College decreed that women could earn university degrees, and became the first Canadian university to graduate women; in 1886, the University of New Brunswick followed suit. In 1888, the Saint John General Hospital began training nurses; other nurses' training programs for both anglophones and francophones were established before the 1920's. Francophone women, however, would have to wait until 1943 before they could receive university training in French when the Religieuses de Notre-Dame du Sacré-Coeur began offering classical training to women in Memramcook and later Moncton.

Women first became involved in volunteer and community work in the 1800's as "lady directors", members of auxiliaries or "women's branches" of men's or male-directed organizations. It was perhaps in religious orders and religious lay groups that New Brunswick women first began to form solely women's groups. The Sisters of Charity founded New Brunswick's first congregation in Saint John in 1854. Religious orders continued to proliferate

throughout the 19th and early 20th century. Women's missionary society's affiliated with the Presbyterian, Methodist and Baptist churches began forming in the 19th century, particularly the latter part. Lay women's catholic groups, like Les Enfants de Marie, also formed before the end of the 19th century.

This period also witnessed the founding and development of numerous women's philanthropic, reform and social groups such as the Young Women's Christian Association (Saint John, 1870), Women's Christian Temperance Union (Saint John, 1879), Local Council of Women (Saint John, 1894), Women's Enfranchisement Association (Saint John, 1894), Imperial Order Daughters of the Empire (Fredericton, 1900). Such activity continued into the 20th century with the founding of such groups as the Women's Institute, University Women's Club, and Business and Professional Women's Clubs. Many of these groups became politically active at one time or another, lobbying the government for social reforms or improvements in women's status.

The forming of the group Voice of Women, which addresses peace issues, in the early 1960's in Fredericton marked a new era of specialized women's groups. In 1973, in the wake of the report of the Royal Commission on the Status of Women in Canada, francophone women in Moncton formed the political action group LES FAM (Liberté Egalité Sororité - Femmes Acadiennes de Moncton; Liberty Equality Sorority - Acadian Women of Moncton), joining Canadian women everywhere in their new-found political awareness. In 1975, International Women's Year, specialized feminist groups began multiplying throughout the province, including l'Institut d'études et d'apprentissage féminins (Moncton, 1975), Fredericton Rape Crisis Center (1975), Women of the Miramichi (Newcastle, 1978), Saint John Women for Political Action (1978), Comité de femmes de Bathurst (1979), Charlotte County Women's Council (1979), Saint John Women's Network (1982), and several transition houses for battered women.

Women of different linguistic and cultural backgrounds also began feeling the need to form groups, either to address community issues or to treat women's issues particular to their people: la Fédération des Dames d'Acadie (Campbellton, 1968), Women's Auxiliary of the Black Community (Saint John, 1970), Tobique Women (Tobique Reserve, 1975), New Brunswick Native Indian Women's Council (Fredericton, 1981), Women Working for Immigrant Women (Fredericton, 1983), Canadian and Immigrant Women in Action (Moncton, 1984).

Women also continue work today in women's committees and auxiliaries in professional and community organizations and in

unions, in the tradition of the Female Reform Society's Ladies' Committee of 19th century Saint John.

In 1974, the first of five provincial conferences on women's issues held over a period of 10 years took place in Memramcook. Out of this first conference came hundreds of recommendations, including one for the creation of a provincial advisory council on the status of women. The subsequent conferences became increasingly specialized and began focussing on the creation of a network of New Brunswick women's groups. This work was realized in 1984 with the founding of the New Brunswick Women's Network. Its triangular structure is unique in Canada; it recognizes three cultural groups: aboriginal, anglophone and francophone.

The past 200 years have seen New Brunswick women move from an individual approach to government, as women singly or in small separate groups petitioned the government, to the collective approach of the suffrage, temperance and jury lobbies and of the more recent feminist lobbies for the creation of a provincial Advisory Council on the Status of Women and for the inclusion of the sex equality clause in the *Canadian Charter of Rights and Freedoms*. The development of women's groups has been one of the most important reflectors of women's concerns about their status and social reform.

Women's power continues to lie in their desire and ability to band together on common issues. Activist women's groups still adhere to the "gleaming watchwords" of the Women's Christian Temperance Union of yesteryear: "Agitate, Educate, Organize".[8]

# "Stepping Stones": Women and Political Rights

In 1784 an Order-in-Council at the Court of St. James in London created the province of New Brunswick by separating the newly defined territory from the province of Nova Scotia. An influx of Loyalist refugees a year earlier had so augmented the population of the region, already peopled with Micmacs, Maliseets and reestablished Acadians, and had so increased demands for land grants that the colonial government in Halifax found the region difficult to administer efficiently, especially at such a distance. Some of the newly arrived Loyalists, impatient with the slowness of the Halifax government and displeased with sharing Nova Scotia with peoples they considered less loyal than themselves to the British crown, began agitating for their own administration. England was convinced. A new government was in order. A new province.[1]

Born not of revolution — either military or ideological — the administrative creation hardly signaled an attempt at building a wholly new society. Rather, it reaffirmed the continued presence of English legal and political tradition in the region. This tradition, distinguished like other European legal and political systems by values based on male dominance of family and state,[2] was to shape the lives of women and men of diverse cultures now living in the new province.[3]

What did the creation of the province signify in political terms to the women of the province — to the original women, the Micmacs and the Maliseets; to the reestablished Acadian women; to the recently established Black women;[4] and to the newly arrived and diverse Loyalist women? Although the question requires us to evaluate the situation of 18th century women with 20th century criteria, we can nevertheless affirm that for even the most elitely placed of these women, the establishment of a new political order in the region did not improve or even alter women's status. Like women in similar situations elsewhere in British North America, they were not directly involved in the power transfer between the governments. They remained, in essence, political outsiders. In fact, they would not be directly a part of the governing elite for almost the next two centuries.

But the daily lives of most women in New Brunswick would go on much as usual under the new administration,[5] as would those of their husbands, brothers, sons and fathers, only now they would have a government closer to home to petition[6] and to criticize.

## Voting in the new province

In 1785, the new Governor of New Brunswick, Thomas Carleton, turned to the task of establishing representative government in the province.[7] He and his Council began considering who would be allowed to vote. But women as voters do not appear to have been a topic of their deliberations. In fact, it would be well over a century before electoral law would include women: 134 years before most women would be granted the provincial vote; 149 years before women could stand as candidates; 178 years before Indian women on reserves could vote provincially;[8] and 182 years before a woman would finally be elected as a member of the Legislative Assembly. A long evolution in the perception of the status of women and the capacity of women to act as citizens would have to occur before women could begin to move into the political sphere as full partners.

New Brunswick's first election took place in 1785. The regulations governing that election allowed all white men 21 years of age or older "who had resided in the colony three months and were willing to take the oath of allegiance"[9] to vote. In spite of their racial limitations, these regulations created what was considered universal manhood suffrage, an unusual state of affairs for the times. In all of British North America, the ownership or leasing of property was a requirement for the franchise.[10] The anomaly was not to last and in fact had only occurred because of the problem of surveying new land and of quickly establishing land titles for the newcomers, the Loyalists.[11]

While the 1785 voting regulations clearly excluded women, the province's first electoral legislation[12] of 1795 did not. It effectively debarred certain groups of people from the franchise — Roman Catholics, Jews, people of little property, aliens and minors[13] — but it did not exclude women. The act allowed "persons" meeting certain qualifications (property owners, people amenable to the swearing of certain oaths) to vote. We are left to wonder: was "person" understood to mean a male or did it refer to both sexes?

Court cases challenging just this question took place in later years in England.[14] Their judges were to rule that "person" and "man" did not refer to both sexes. Arguing that the franchise had always been intended for men only and rejecting as insignificant evidence of women voting in the past, the judges ruled that the words in question could only be meant to refer to men. The popular belief that women, along with infants, lunatics and aliens, were of a group of people lacking the capacity to vote because of a lesser status[15], was likely held among the early legislators of New Brunswick, inheritors as they were of the British political tradition.

But New Brunswick was, for the people of European origin at least, a new land. Although the Loyalists had brought with them remnants of a class society, it would be difficult to compare early colonial New Brunswick with its diverse and sparse population to the populous, class-stratified society of 19th century England and Europe. Were women in this new and socially less complex society able to move within the political sphere more easily than their European counterparts? Were they able to voice a political opinion as a man would with a vote?

## Evidence of women voting

Sparse evidence does exist to suggest that a few women in New Brunswick, most certainly white women of certain means,[16] did in fact exercise the franchise in the years between the first electoral legislation of 1795 and the revised legislation of 1843 when the franchise was finally and clearly restricted to men.

In 1830 a letter from a disgruntled voter appeared in the *Gleaner and Northumberland Schediasma*[17] mentioning the disconcerting fact that in a recent provincial election four women had cast ballots. He questioned the legality of the women's votes, but it appears that in spite of this controversy their votes were counted. Was this an isolated case or were there other women who exercised the franchise, perhaps raising a few eyebrows while doing so?

At least three politicians were to rise in the House of Assembly in later years when universal manhood suffrage and women's suffrage were under question to assert that women had voted during these early years of nebulous definitions.[18] William H. Needham, of York County, arguing in 1870 for women's "lost right" to vote, affirmed that women of Carleton County had exercised the franchise until 1837 and he noted that women of Fredericton had voted municipally under its Charter until a Judge Fisher had added the restriction "male person" to the voter qualifications.[19]

However, pending further evidence to the contrary, it would seem that only a relatively small number of women exercised the franchise before 1843; their votes thus never swayed the balance of power.

## Influence on male voters and politicians

Although during these early years it appears that the populace unquestioningly viewed the franchise as a male prerogative, some women could nevertheless indirectly influence provincial and municipal politics as wives or daughters, sisters or mothers, or as close friends of men in power or of men possessing the franchise.[20]

By no means would all women have been in this situation. Many women were not even related or close to a man who had the franchise during much of the 19th century. Universal suffrage for non-Indian men was not achieved until 1889; until then large groups of men were effectively excluded from the franchise. Roman Catholics could not vote between 1795 and 1810 nor hold office until 1830, thus excluding virtually the entire Acadian[21] and Irish populations.

Blacks were effectively excluded from voting in the early years, even during the very first provincial election which had been to all other practical purposes one of universal manhood suffrage.[22] The Indian people were formally disenfranchised in 1889 and Indians living on reserves were not to be given a voice in provincial affairs until 1963.[23]

Thus, it would appear that for much of the 19th century only white anglophone women would have had the requisite family ties linking them to some level of the political system, as would a few women from the politically-excluded groups who had married either men with the franchise or men in power, or who were born of such cross-cultural relationships.

Examples of wifely influence in provincial political affairs are to be found from the very early days of the province's existence. One is of Lois Paine, the wife of William Paine, a surveyor and a member of the House.[24] Evidently concerned about the need for an educational institution in the province, she urged her husband to sign a "memorial praying that steps be taken toward the institution of a Provincial Academy of Arts and Sciences".[25] Her husband was to head that important petition of 1785,[26] one which was effective in assuring that land was set aside for an institution that was to become the University of New Brunswick.

Family ties were not women's only indirect avenue to power. Even in their circumscribed professional roles women succeeded in wielding a considerable amount of influence in their communities.

One example is that of Barbe Desroches, a midwife who, as the story goes, happened upon fertile land on a morning's walk with her two sisters in 1832 and, in classic European fashion, claimed it as theirs, thus founding the village of Saint-Antoine in Kent County.[27] She was to become influential in the new parish, using her profession to wield power in the new settlement.

In October 1846, Father Julien Rioux, a priest in charge of the Bouctouche and Cocagne missions, wrote to Bishop Dollard in Saint John obviously concerned about the actions of "this wicked woman"[28] who was upsetting life in what he considered to be his parish. Rioux had what he perceived to be a rival and Desroches was supporting him. He was François-Magloire Turcotte, a priest newly in charge of the Gédaïc mission (Grand-Digue). Rioux and Turcotte both believed that their missions included Saint-Antoine, and Desroches, the chapel keeper, believed Turcotte to be the better priest.

To Rioux's dismay, Desroches had begun mounting a petition in support of Turcotte and had even threatened to withhold her midwifery services from those who did not sign it. Moreover, she saw fit to occupy the church. Rioux laments that he was refused entry into the church and was obliged to give mass in a local house. And he writes, "This wicked woman threatens already that once the new church is built it will be she who will hold the keys."[29] In fact, so powerful does she appear to Rioux that he asserts, "it is she who governs the whole village".[30]

Having mounted a convincing petition, Desroches set off for Saint John to present it to Bishop Dollard. Her journey must have been long and difficult considering the primitive state of the roads at that time, but apparently she and her supporters believed their cause was worth the effort. The bishop seems to have heeded the demands of the Saint-Antoine parishioners since Turcotte

remained a priest in the region for the next two years.[31] Desroches had used political tactics to influence the clergy.

Barbe Desroches' story may not be unique. There probably were other New Brunswick women in the late 18th century and in the 19th century who, in spite of both political and legal restrictions, exerted considerable political influence over the life of their communities.

Certainly in the traditional Indian communities women exerted a considerable amount of influence. Maliseet oral tradition recalls a time when women played an important role in their bands, some say as band or clan mothers. If the Maliseets replicated the Iroquois system of government, these women would have had the power to choose and to overthrow chiefs. However, it may be that women in the Maliseet tradition held other equal but separate and yet unknown power roles. As in the rural white communities, the Indian women who dealt with the rites of healing, who were the keepers of medicine, held a special place among their people.[32]

## Petitioning — a voice for change

Certainly there were numerous women who appealed to the political system for property, financial aid, salary due and who were part of lobbies for the passage of prohibition acts and signatories to petitions of grievance. Petitions were an important tool to those otherwise without voice in the political system.[33] Since large numbers of men as well as all women were disenfranchised in the early years, mass petitions were not infrequent. In fact, within two years of the province's creation, mass petitioning had become so threatening to the Carleton government that legislation was passed to curtail a group's ability to petition.[34]

Within months of the province's creation, women were signing petitions. In the late 18th century their numbers included mostly Loyalist and Acadian women; but later in the 19th century Black women were also petitioning the government.[35] Examples of Indian women petitioning during this period have not been found. Transactions involving Indians were usually between the band chief and the white government's representatives.

For their part, the Loyalists, unhappy with the slowness in receiving "their promised land"[36] began voicing their frustrations in petitions of grievance shortly after their arrival in New Brunswick. The earliest of these petitions to survive in Saint John is the Huggeford Petition of Grievance of December 24, 1784. Of its 345 signatories, four were women; barely making 1% of the total, they were present all the same.[37]

As early as 1787 Acadian women singly or with other women and men were petitioning and being granted land.[38] Married women could not own land at that time and it would appear that many of these female petitioners were widows or single women.

One of the early petitions for financial aid is from a Phebe McMonagle of Westmorland.[39] In 1808 she petitioned the provincial House of Assembly for assistance after her husband, a House member, had been drowned while making his way to Fredericton, leaving her with four small girls and pregnant with another child. A fairly common petition for financial relief were requests for a pension from widows of "old soldiers of the Revolutionary War" — men who had served the British cause in the American War of Independence. Until well into the 19th century such petitions were sent not only by these widows but after their deaths by their destitute daughters.[40]

The request for pay from early school teachers, both women and men, was another common 19th century petition sent to the House of Assembly after a teaching term during the year. Although after the 1837 School Act no distinction was made between issuing a grant to a female or male teacher, the new act was such that in those parishes with more than three female teachers, one per school, the "extra" women were "deprived of their government grant, unless they petitioned the legislature for a special dispensation in their favour".[41] Not only did many teachers petition the House for these reasons but also "because the Trustees had been careless and failed to certify the school, or because the school happened to be in excess of the total number for which any given parish or county could legally receive the provincial allowance".[42]

The teaching profession was to become a female preserve[43] and women who would otherwise have no contact with the political system would at least through these small means confront it. Although a large number of these women were anglophone, we do have examples of francophone women petitioning for their school grants.[44] Another concern of women was the establishing of schools. In 1840, for example, half of the signatories of a petition from black settlers "asking for assistance in establishing a school"[45] were women.

The 1850's witnessed a new period in women's petitions. The abuse of alcohol had become a problem in community and family life and women became a part of the lobby for prohibition. 1854, for instance, saw a flurry of women's prohibition petitions arrive at the provincial House of Assembly from the southern counties.[46] Who initiated these petitions? The women, themselves? The local reverend? The women in collaboration with the local reverend?

The Daughters of Temperance in collaboration with the zealous group the Sons of Temperance? Further study will tell, but whatever the case, women were voicing their concerns on an issue apparently close to their hearts for it was to continue to stir them until the early part of the 20th century.

## Electoral revisions: women excluded

Since 1784, women in New Brunswick had been voicing their concerns to the government. But over the years they had not gained a direct recognized voice in political affairs, even though they formed half the population.[47] Why then in 1843 New Brunswick legislators saw fit to specify the sex of voters, in no uncertain terms restricting the franchise to "male persons of the full age of 21 years, not subject to any legal incapacity"[48] is unclear. Although legislative debates cannot be found to explain this revision, indirect evidence suggests that lawmakers were following the franchise trends established elsewhere.

New Jersey, one American state where women had "voted sporadically"[49] since 1776, "limited the franchise to free, white, male citizens",[50] in 1807. In 1832 England "explicitly restricted the exercise of the new franchises to certain groups of males",[51] introducing gender restrictions for the first time. In 1836 Prince Edward Island followed suit. In 1834 the parliamentarians of Lower Canada had clearly expressed their desire to exclude women from the privilege of voting, and in 1849 that was effectively done in legislation. In the same year the Province of Canada excluded women from voting and in 1851 Nova Scotia did so.[52]

Ironically, during this period, the first American women's rights convention was held not so far away in Seneca Falls, New York (1848); its participants resolved among other things that the duty of women is "to secure to themselves their sacred right to the elective franchise".[53] The event was an important milestone in the women's rights movement in North America. One historian, Catherine L. Cleverdon, has speculated that the move in British North America to restrict the franchise to men was in part a reaction to the growing women's rights movement 'already evident in the United States and Britain.[54] Whatever the specific reasons for the lawmakers' move, it is clear that the male voting restriction in New Brunswick was for the times a statement of the norm.[55]

## The women's suffrage movement begins

Soon after effectively barring women from the franchise, New Brunswick legislators began addressing the question of women's

suffrage. This reexamination may have been prompted by similar international trends in other seats of power. In 1867, for example, John Stuart Mill, the eminent political philosopher and parliamentarian, had unsuccessfully attempted to have women enfranchised by the British parliament.[56] In 1868 a women's suffrage amendment was introduced into the American Congress and another in 1878: it would be reintroduced until it was finally passed in 1920.[57] In the American territories, the women's suffrage cause had been gaining ground since 1869, when Wyoming granted the right to vote, followed by Utah in 1870.[58]

One of the first suggestions that women's suffrage had become a public issue in New Brunswick came in 1870 when William H. Needham, a lawyer and a House of Assembly member from York County, introduced a bill which included a section allowing unmarried female property owners to vote. He argued that:

> *If a man was taxed on a property and thereby had the privilege of voting, when he died, his widow, paying the same tax, should have the same privilege. So long as the vote is based on property, it can make no difference who owns it, so long as the qualification is there.*[59]

To him it was only logical that two people with the same qualifications for the franchise should be able to exercise it regardless of their sex. And, according to him, women with property had voted in New Brunswick in the past. He merely wished to restore "a right ... which had unfairly been taken away from them".[60]

The arguments raised against this early suffrage proposal were to be the same ones used to frustrate women's fight for the provincial vote for the next 49 years.

One of the most recurrent arguments against women's suffrage was that women's enfranchisement was "a theoretical question"[61] requiring no action because the "ladies had not asked for such a law, and [therefore] ... did not desire it".[62] This was the first rebuttal that greeted Needham after he introduced his bill. Indeed, it appears that at the time women were not publicly asking for the right to vote. But even in later years when they would be petitioning for the vote by the thousands, House members would continue this line of argument. In 1917, for instance, when public opinion was clearly in favor of women voting, one member declared that, "until there was a universal movement for woman suffrage"[63] he could not support it: this despite the fact, as some suffragists pointed out, that disenfranchised men never petitioned at all to have the right to vote extended to them!

In 1870, John A. Beckwith, a land surveyor and another representative from York County, dismissed the contention that women should not be granted the right to vote because they had not requested it. He asked, "How many ladies ask to have husbands and still get them?"[64] His question, humorous as it may seem, reveals something about women's restricted choices in Victorian society.

But the opponents could not be swayed. Angus McQueen, an insurance company director from Westmorland County forwarded the irrelevant assertion that "Few women, if they had the right to vote, would exercise it".[65] This, like the other arguments, would plague the cause until the end, and was proved quite invalid when women finally were able to exercise the franchise.

Certainly few women would have had the right to vote under Needham's proposal since his bill required that the female voters be both single and property owners. George E. King, a lawyer representing Saint John City and County and soon to be premier (1870-1871, 1872-1878), argued that the benefits obtained from allowing widows and spinsters to vote were too small to warrant any change in the law. He claimed that, "There was a maxim in law ... [which states]: 'the law does not concern itself about very little matters' ".[66] The rights of women were simply not a primary concern.

This proposed barring of married women from the franchise also gave another opponent, George W. White, a Justice of the Peace from Carleton County, the fire to burn Needham's bill. He pointed out that by granting widowed propertied women the franchise, Needham was being unfair to other women not in this privileged position. But instead of proposing amendments to make Needham's proposition more equitable, White simply used this weakness to find reason to vote against the bill. If his concern had really been equality in franchise he would have debated the unfairness of the whole enfranchise law which excluded a large percentage of the population — all women and certain men.

Needham held the Victorian belief that married women were "nobody in law".[67] He declared that, "A woman and her husband are one and therefore she is legally incorporated"[68] and thus barred from the right to vote. King, an opponent because of the "smallness of the matter", nevertheless corrected Needham's patriarchal assumption by asserting that "the married woman may be nobody in common law, but we might make her somebody by statute".[69]

This wrangling over the rights of married and unmarried women was to recur in the coming decades of the women's suffrage

debate. Sometimes women's suffrage politicians would be, like Needham, proponents of a limited franchise because they sincerely believed a married woman was one with her husband, that his political voice was also hers. And sometimes women's suffrage politicians would propose a limited franchise in the hopes that once unmarried women could vote, married women would soon be allowed to do so.

This differentiation between married and unmarried women's voting rights on the part of women's suffrage politicians weakened the suffrage cause. Opponents could easily dismiss the suffragist-politicians as inconsistent. And as the suffrage forces in the House never developed a common strategy in all the years that the debate raged, their Achilles' heel remained bare to the barbs of the opposition.

Undaunted by his bill's inconsistencies, Needham forged ahead with basic principles. Women, he affirmed, were capable and intelligent and, being so, had the right to vote. He was not at a loss in finding an undisputable and inspiring example of an able woman. He pointed to Florence Nightingale. She was not only well known — an international figure — but a woman whose aplomb in war-time nursing was bound to prove to doubting men a woman's toughness in stressful situations.

Needham challenged:

> *If there was a Bill to give her the right to vote, where would the man be found who would stand up and oppose it? If there was such a man, he would be annihilated by the breath of scorn.*[70]

Although his point was not challenged, it won no converts.

Anti-suffragist White asked the unaskable, "If[women]... were to be allowed to vote, why not allow them to be legislators as well?"[71] (This fear of admitting women into the House of Assembly augured the approach finally taken by the legislators in 1919 — allowing women the franchise but not the right to hold office. In fact, as with no other province before or after, New Brunswick was to wait years after granting women the franchise before allowing them to stand as candidates and to hold office.[72])

Such was one of the earliest debates on women's suffrage as it was vigorously argued in the House of Assembly. For all of Needham's and his supporters' efforts, his bill died, and with it,for a time, the women's suffrage cause in the House.

The early debate raises some interesting questions. One wonders

what prompted these men to discuss women's suffrage at this time. Were women within these politicians' social circles broaching the question of women's place in the political sphere?

Women were certainly contemplating the issue in private. One early example appears in the "Fredericton Letters" of Juliana Horatia Ewing, an English writer. She was married to a British army officer stationed for two years in Fredericton and her frequent letters home were full of comments on the social life of the period. On at least one occasion she expressed her views on universal suffrage. Reacting to a bill calling for universal manhood suffrage that had been passed "back home" in the British parliament, she wrote in 1868:

> *One really would think that experience on this side of the water would prevent anyone from wanting to extend the franchise more among the uneducated. I can see *that the unforeseen hazards* in giving the vote to educated women *are nothing compared* to the danger in increasing the influence of the ignorant mob over the legislature of the country.*[73]

This was to become a major argument for women's suffrage, especially during periods of immigration. Suffragists everywhere were to contend that if the most uneducated man, unfamiliar with the issues and barely able to speak the country's language, could cast his ballot, then the knowledgeable woman, well-versed in the country's matters and well-rounded by a local education, should be able to vote, too.

As early as 1870 Needham was staking his claim for the intelligent woman's voting rights. He declared:

> *An idiot having his name upon the revisors' list, can go to the polls and deposit his ballot; does he do it by virtue of his being a man? So! because it is intellect which constitutes a man, and that he does not possess. You give him the right to vote because he has the appearance of a man; but you deny this right to a woman possessing all the necessary brain to judge rightly in reference to these matters simply because she is a woman.*[74]

Henry R. Emmerson, a staunch suffragist, a lawyer, a House member for Albert County and later a premier (1897-1900), criticized the universal manhood suffrage bill of 1889 by pointing out that it "provides a vote for the man who may not know the multiplication tables but denies it to the woman no matter how learned she may be in literature and science".[75]

Another steadfast suffragist and lawyer, well-lettered Alfred A. Stockton from Saint John County, quipped in 1894:

> *Why should an ignorant footman have a vote, while the lady he drives, who is educated, intelligent and has property of her own, has none?*[76]

And in the same year Herman H. Pitts, a newspaper publisher from York County, said:

> *It was absurd that the brainy women of the country should be debarred from the franchise which was extended to the "lowest truck" in the town.*[77]

These arguments are steeped in a middle class sense of educated superiority. But at the time, they were perceived as a neat dabble in logic.

They were also, unfortunately, closely related to a sense of racial superiority which tainted the women's suffrage cause. Although this attitude was not pronounced in the New Brunswick movement, it did occasionally mar suffrage arguments, as it did elsewhere. In the United States the women's suffrage movement coincided with the movement for Black enfranchisement. Some American leaders of the women's enfranchisement cause became angry when their lawmakers would not, while enfranchising Black men, enfranchise all women.[78] Members of both the Black suffrage movement and the women's suffrage movement misunderstood the other's cause.

In New Brunswick it was the Indian people who bore the brunt of racial maligning.[79] In 1894 Henry A. Powell, an anti-suffragist lawyer from Westmorland County, maintained that the highest and most stable societies had women at home with the children (not out meddling in the public and political spheres). Stockton retorted, "If you go to the Indian camps you will notice that the lords of creation confine their better halves to attending to the motherhood of the race. Is the civilization of the Indian to be preferred to that of enlightened Christian people?"[80] He, as many other Victorians, was absolutely sure that the white and the Christian were on the path of the right and the good. This sense of righteousness would soon be sweeping North America as Christian reformers — the social gospelers — began their attempt to rid society of its evils: alcohol, prostitution, juvenile delinquency, poverty and destitution. Part of the women's enfranchisement cause would become caught up in this ideology, with some suffragists contending that female voters, as a force of good, could help clean up society.

In 1895, Emmerson displayed yet another example of "logic" based on racial superiority. Noting that "the Dominion Government had extended the right of suffrage to the Indians of Manitoba"[81], he asked, "When the illiterate savages of that Western country were being accorded that right, how was it possible to contend that the enlightened womanhood of this Province should not receive it?"[82] Such attitudes contributed to the fact that Indian people on reserves in New Brunswick would be without a political voice in the province for almost the next century.

**The 1880's: agitation begins**

As Juliana Horatia Ewing's letter suggests, women in New Brunswick were privately mulling over the issue of women voting by the latter part of the 19th century. No doubt they had heard about the women's suffrage movement in the United States and received news of women in Britain calling for the right to vote. Perhaps some were aware of John Stuart Mill's now classic *The Subjection of Women*, which circulated widely among American suffragists after its publication in 1869, or even of Mary Wollstonecraft's 1792 book, *A Vindication of the Rights of Woman*,[83] both eloquent statements on the rights of women. Certainly later politicians referred to these works.[84]

In the 1880's New Brunswick women brought women's suffrage into the public place. Locals of the Women's Christian Temperance Union (W.C.T.U.) were soon petitioning for women's suffrage. This province-wide organization, dedicated to prohibition, believed that once women could vote they would use their new power against the sale and consumption of alcohol. They exemplified the attitude that women as a force of good would sweep society clean of its evils. Later suffragists were to use more realistic arguments for women's suffrage.

Members in the House of Assembly responded by supporting the principle of enfranchising female property holders in 1885 but this endorsement led to no action.[85] In the same session A.G. Blair, a lawyer, a "future enemy of suffragism"[86] and premier (1883-1896), argued for the enfranchisement of spinsters and widows as well as tenants and farmers' sons. Even though House members agreed to Blair's bill with small amendments, it was quashed in 1886 by the Legislative Council, a now long defunct part of government.[87]

While it appears there were political reasons for this bill's birth and death,[88] the fact remains that unmarried women, at least, were at a very early date only one step from voting. Later suffragists may never have realized this.[89] If there had been a

strong organized lobby for women's suffrage at this time, would the bill's final outcome have been different?

In 1886 women not only agitated for voting rights but received results. Six petitions from town and city councils and small groups of women[90] descended upon the provincial legislature and were introduced by various House members. Women from Woodstock, Moncton, Portland and Saint Stephen "pray...[ed] that an Act may be passed to allow unmarried Women to vote"[91] in their municipal elections. Ironically, many of the women petitioning were married — not acting specifically in their own interests. Saint John women demanded more: that all women be allowed to vote in municipal elections.

The legislators were receptive to the majority's request and with "ease and dispatch"[92] had the law amended so that "every Widow and unmarried female of the age of twenty-one years or upwards ... and possessing the electoral qualifications either from real or personal property"[93] could vote in municipal elections. Perhaps the lawmakers thought that the few women who would fit into this category constituted such "a little matter" as to pose no threat to established municipal voting patterns.

During the same session, William Pugsley, a lawyer from Saint John County, introduced a bill to allow unmarried women and widows to vote at school meetings and to hold the office of school trustees.[94] Although his measure was favorably received, provoking some members, among them Stockton, to go so far as to advocate giving the provincial vote to all New Brunswick women immediately, the bill did not survive.[95]

In 1887, the W.C.T.U. again petitioned for women's suffrage,[96] and in 1888 women and men from the counties of Westmorland, Kent and Northumberland[97] sent nine petitions to the House of Assembly demanding the extension of the franchise to women. Westmorland's Amasa E. Killam, a building contractor with his ear to the ground, recognized the growing public interest in women's suffrage and introduced in 1888 an enfranchisement bill similar to Needham's bill of 1870. It stipulated voting rights for unmarried propertied women, but, like earlier such bills, it did not pass. He also advocated that all ratepaying women in the province should be able to vote, another unsuccessful bid.

### 1889: universal manhood suffrage

A great test of democratic principles came in 1889 when the House had its final debate on universal manhood suffrage. Should all the men in the province, regardless of property holdings have a political voice? As legislators strenuously examined this issue,

some members reintroduced the controversial question, "Why shouldn't women have the right to vote, too?"

It was difficult for many members to recognize that in spite of the democratic step forward they had made in embracing virtual universal manhood suffrage,[98] they were still excluding half of the population. These members already felt threatened by the thought of adding the "lower class" to the electorate. Perhaps they sensed that these men, coming from a socio-economic situation up until then unrepresented in the electorate, could alter established voting patterns — worse, could sway the balance of power. And not only would these "lowest trucks" be voting, they would also be running for office. This possibility disturbed one particularly conservative member from Sackville, Joseph L. Black.

He affirmed that:

> *The more wealthy and more aged a man gets the more conservative he becomes, and the better is he fitted to serve as a member of the County council.*[99]

Stockton, recognizing this resistance in the House, pushed to have propertied widows and spinsters enfranchised in the new manhood suffrage bill. Emmerson understood that Stockton was operating "on the principle that if you can't get all you want, take what you can get",[100] but he staunchly argued for the enfranchisement of all women. He was one of the few politicians who avoided compromising the issue, committed as he was to the "democratic rights of all people, male or female, single or married"[101].

York County's William Wilson, another lawyer, moved an amendment to Stockton's resolution, calling for the enfranchisement of all propertied women. Like Emmerson, he was committed to democratic principles and he argued eloquently for them, stressing that "All human beings have the same interest in good government"[102].

And he elaborated:

> *Whoever has no vote and no prospect of obtaining one will either be a permanent malcontent or feel as one whom the general affairs of society do not concern....*
>
> *Every man is degraded, whether aware of it or not, when other people, without consulting him, take upon themselves unlimited power to regulate his destiny.*[103]

When voted upon, both Stockton's resolution and Wilson's amendment lost by considerable margins, 14 to 24 and 11 to 26 respectively. The House was not yet ready for full democracy. But its members had brought to light arguments regarding women's suffrage which were to be rehashed for the next 30 years.

**The arguments: for and against**

However unheeded in the coming decades, the democratic plea continued. True democracy, advocates affirmed, lay in the "principle that the Government derived its just powers from the consent of the governed"[104].

Emmerson asserted in 1889:

> *While we treat them* [women] *with respect we do not as a rule under existing laws treat them much better than we do our mastiffs. Women should be in a position to demand their rights rather than beg them.*[105]

In 1895 he declared:

> *Taxation without representation is tyranny. Political power inheres in the people. Surely women are included in both of these axioms. To deny these principles is to justify despotism.*[106]

As late as 1917, William F. Roberts, a doctor from Saint John affirmed:

> *When use is made of such terms as "Government by the people" and "The voice of the people", it is patent that it is a bit hypocritical. Such high sounding phrases when used in connection with political affairs are really false pretenses, for only the male half of the population is meant. These phrases should either be revised or made to convey the full truth and apply to women as well as men.*[107]

Anti-suffragists dismissed these statements as irrelevant. Leonard P.D. Tilley, a lawyer from Saint John and a future premier (1933-1935), chided, "All men and women should certainly obey the laws of the land"[108]. And Madawaska County's J.W. Baker, a jack-of-all-trades once active in militia affairs, claimed that "when she [a woman] paid her taxes upon that property she contributed her share towards having it protected"[109].

Not only did women share with men an interest in good government and public affairs, but they also had interests

particular to themselves that needed addressing by the legislature. Their work in various organizations underlined their preoccupation with numerous social welfare questions including temperance and prohibition. Emmerson saw that as voters women would have more power to bring those issues to the fore.

In 1899 he revealed women's unequal position as paid workers and how as voters women could address that problem:

> *Women as a rule were not paid much more than half the salary which a man would receive for doing the same work, and he felt sure that if women had the right to vote, the sentiment of the country, with respect to the compensation which they should receive would be materially changed, and it is in the light of common sense that it should be so.*[110]

Anti-suffragists refused to admit that women might have special interests. Blair, one of the adamant opponents, mocked in 1889:

> *What were the particulars in which women were tyranized over by these despotic legislatures composed of men? If they were suffering, we do not hear any complaints. If they were injured, they took very great care to withhold from the ears of men the slightest sound respecting their wrongs.*[111]

Again in 1894 he scoffed:

> *It was said that women should have a chance to say what the laws of the land ought to be. Was there any important reform that the women required that they could not secure by asking for it? What privilege or benefit affecting their own interest and well-being had ever been denied them? What legislation had they asked for that had been withheld?*[112]

Pugsley, a nominal women's suffrage supporter at best (supporting the cause when the political risks were low) affirmed in 1899 during one of his ambivalent periods "that whether in Colorado, Wyoming, or otherwise, in no country were women treated with greater respect than in New Brunswick"[113]. The assured applause of the House supported his observation.

But suffragists in the House quickly countered the anti-suffragists' claims of respect for and action on women's concerns. Both Stockton in 1894 and Pitts in 1895 challenged Blair, pointing to his resistance in "enacting women's desired social legislation"[114]. Pitts said, "The women may have occasionally

been thrown a sop in the way of some legislation they were favoring"[115] but that hardly constituted a desired state of affairs. He stressed that, "It must be within the memory of every member present how strenuously Mr. Blair opposed the compulsory teaching of temperance in the schools"[116], a demand of the W.C.T.U. Stockton added that Blair's very resistance on granting women the vote showed that he was not interested in heeding the wishes of women.

Anti-suffragists in the House realized that they could not effectively counter the democratic plea for the women's voice in the House using only the unfounded contentions that women were just fine as they were, so they argued that women could not enjoy the basic democratic right to vote because, being women, they were incapable of acting as citizens and only full citizens should be able to exert a political voice.

What was a full citizen? At the time it was a person who could, when needed, serve in the military, with the police, on a jury, or hold public office.[117] The first two were "considered "physiological impossibilities for all women, regardless of their marital status,"[118] and the latter two were perceived as public services which would "draw women away from their primary responsibility to the home"[119].

Powell forwarded this argument in 1895:

> *If a woman is to be given the right to vote, ... then she is logically bound to perform road work, to pay poll tax, school and municipal, and to perform constable duty when required. If she is entitled to a full share in the making of the laws she is certainly liable to do her share in enforcing the laws.*[120]

Suffragist supporters in the House affirmed that women were indeed ready to assume the responsibilities of citizenship. In fact, in 1899 George Robertson, a grocer from Saint John, asked a question that nowadays holds a familiar ring:

> *As to the question of whether women were prepared to take the full responsibility ... [I] would ask: Why not?*[121]

But ingrained in the anti-suffragists was the traditional belief that citizens were only those people who could bodily defend their country or its laws — something women, opponents believed, could not do. Nor could they conceive of citizens as people who contributed to their country through community work (as women had been doing since the mid-19th century) or as people who protected their country's ideals through peaceful means, using or

promoting law or democratic reform (as women had been striving to do in their various social reform organizations).

In other words, in a modern sense, women had been acting as full citizens long before the struggle for the vote began. But the anti-suffragists' traditional views on citizenship had not yet evolved to embrace the new citizenry. It would only be in later years, after women had in massive numbers displayed their colors in community work during the First World War that anti-suffragists acknowledged dedicated community work as a mark of a citizen, as work worthy of a vote. Even then the acknowledgement was used more as an excuse to help anti-suffragists save face before a public clearly in favor of women voting. But that comes later in our story.

Oddly, the weakest argument in the suffragist cause was the one stressing that women should be able to vote because they are human beings and as such should share the same rights as men.[122]

York County's William T. Howe, a farmer and lumberer once active in militia affairs, declared in 1894 that the women's suffrage question:

> *was not a matter of political expediency, but of right or wrong. For him it had always been a fixed principle that women should have equal rights with men in every walk of life.*[123]

Another farmer, lumberer and miller, James E. Porter representing Victoria County, asserted in 1899:

> *Wherever we found poverty, lawlessness and barbarism, woman is degraded. Self-government is self-respect. A law that debars one half of society from the franchise is unjust.*[124]

In fact, as early as 1889, Stockton saw the women's suffrage question as part of a larger movement towards a utopia where women and men enjoyed equal rights — where basic justice reigned:

> *Every movement recorded in history for the enfranchisement of women was a step from slavery to liberty, and from barbarism to civilization — nay, more, a step from Paganism to Christianity, and the whole history of civilization had been to elevate women in the scale of existence and make them in every respect the equals of men.*[125]

That was the hope — equality in rights and status for women and men. But such a state, anti-suffragists maintained, was impossible. They "insisted that women's reproductive function and their androgen deficiency made them unsuitable for political life"[126]. They contended that women's physical weakness as compared to men proved their mental inferiority.[127] As premier in 1895, Blair claimed, "for those classes of work which demanded the most vigorous and strongest mental capacity, man would always be supreme."[128]

If opponents were not pointing to the supposed mental and physical deficiencies of women, they were contending quite contrarily that in spite of, or rather because of, women's "noble" abilities they were simply "not designed" for the political sphere. For politics was dirty and it would sully women. Men, as protectors, were to keep women from falling from their "higher and nobler sphere"[129] into the abyss of political life.

Robert J. Ritchie, a lawyer representing Saint John City and County, typified this line of thinking. In 1889 "he endorsed all that had been said in their [women's] praise"[130] and continued:

> *We should all honor our mothers and love our wives and daughters. We cannot elevate woman by legislation. Woman needs no act of parliament to honor and elevate her. She is already elevated. We can, however, put on the statute book [the right to vote] ... which may degrade a very considerable number of women.*[131]

Blair echoed in the same year "that he would deeply regret to see her [woman] dragged from the height upon which she stood and brought into the arena of politics."[132]

Almost thirty years later anti-suffragists were still subscribing to such logic. Jean G. Robichaud, a businessman from Gloucester County, said in 1917 that:

> *He thought the passage of such a measure [to enfranchise women] would have the tendency to lower women from the high and responsible position they now occupied to the turmoil of political life.*[133]

And what was that high and responsible position? According to the anti-suffragists, it was a woman's role as wife and mother, which apparently, unlike a man's role as husband and father, was to be her sole lifelong occupation. Society would fall if she dared to "undermine" that role with other interests, concerns or work. In fact society would be tinkering with divine will.

Powell explained in 1894:

> *She [woman] is for what we might call the domestic field of action, and men for another field. It has been so since the dawn of time; in every civilization, the arena of politics has been for men. When that divine law is interfered with, the result is the injury, he would go further — it might be the ultimate undermining — of society.*[134]

Anti-suffragists contended that women were actually very powerful in their designated roles. Blair, in 1889, affirmed that:

> *In her proper position woman is supreme. "The hand that rocks the cradle," it has been said and truly said, "rules the world".*[135]

Her power, the anti-suffragists maintained, was derived from her work as "educator... of our children, [as] moulder... of the characters and dispositions of our sons and daughters",[136] as "the guardian and instructor of mankind: [as] a priestess exercising an influence ... [in the home] such as she can exercise nowhere else."[137]

In 1894 Powell affirmed that "the noblest, the supreme aim of woman should be to qualify herself to see to the correct physical, moral and intellectual development of her children."[138] But no mention was made of the father "qualifying" himself to attend to the needs and development of his children. In fact, even anti-suffragists observed that men in the pursuit of public careers had actually shunned their responsibilities to their children:

> *In the feverish activity of modern society husbands and fathers relegate more and more to mothers and wives these sacred duties [the raising of children].*[139]

But of course there was no contemplation on the part of anti-suffragists, or of almost anyone at the time for that matter, of men assuming responsibilities in the "domestic field" to allow women who choose to do so to participate in the public and political fields.[140]

The suffragist politicians turned the contentions of "women's role" and "women's natural good" into arguments for women's enfranchisement. If women had the inherent powerful ability to "influence for good" then it should be they who were in that dirty corrupt arena of politics cleaning it up!

David R. Moore, a doctor from York County, said in 1889:

> *I...feel assured that the hallowed influence of enfranchised woman would accomplish a very important purpose towards chastening and purifying the electoral courts of our country of many offensive and pernicious influences which at present prevail.*[141]

And Wilson in the same year asserted:

> *If the result of the lords of creation having charge of the polling booths of the country, for all these years, had been to demoralize them, the sooner the refining influences of women were introduced the better.*[142]

Suffragists pointed out that unmarried women had been successfully participating in political affairs at the municipal level since 1886 with no adverse effects. In 1917, Roberts also observed:

> *It has also been urged that the surroundings of the polling station would offend the finer senses of women, but no objection was made to them paying their taxes and meeting with all classes and creeds while they were doing so; why then would they be contaminated if meeting these same taxpayers at the polling booths? If the manner of conducting elections is so bad that it is not fit for women to come in contact with it is clearly time such manner was changed.*[143]

Perhaps as Alphonse Sormany, a physician from Gloucester County, claimed in 1909, "there was [not] a man in the House who would say that politics had improved him"[144], since politicians resembled a "bucket of bad apples"[145] and woman as the one good one "stood little chance of remaining true to herself, or of rescuing political life from its elemental vice"[146]. But one wonders, if woman were as "morally fortified"[147] by divine law, strength and wisdom as anti-suffragists claimed — indeed morally incorruptible — how could she be contaminated by bad politicians and bad politics?

It should be recalled that election days were not the relatively quiet and ordered affairs of today. In the 1880's and 1890's they were still marked by the tradition of bribery and corruption of earlier days[148] — days when "riot, confusion, and drunkeness"[149] turned election days into "rough affairs"[150] indeed. Sadie Harper, a young diarist from Shediac, described an election in 1891, reporting:

> *It is election day up in Cocagne and Papa went up and didn't get back till 4. They had a lively time of it. Two men came down to Dr. White's who were stabbed.*[151]

And her chronicler, John Edward Belliveau comments:

> *Apparently the fights and woundings on election day were not considered extraordinary or disturbing, certainly not by a 16-year-old high school girl who ... took an interest in politics.*[152]

As early as 1889 suffragists in the House were noting the double moral standards implied in the anti-suffragists' arguments to protect women.

In that year, Marcus C. Atkinson, a physician representing Saint John City, observed:

> *It had been said that women would be contaminated [by going to the polls]. There were two conclusions that might be drawn from that, ...: Either that men could indulge in practices with impunity which were degrading to their wives, or that the polls of this country had attained a degree of vileness and demoralization which indicated that in the interests of the nation something should be done to rectify the evils that existed. No man should go to the polls and indulge in practices which he would not permit his wife or sister to indulge in. Whatever degraded women equally degraded men and whatever debased the one debased the other.*[153]

If anti-suffragists could not successfully argue that woman was too good for politics, they turned around and suggested that she was too bad — that she was essentially immoral, a debasing or corrupting influence on man. A few anti-suffragists delighted in referring to women who had not advanced the cause of good. Pierre J. Veniot, a newspaper worker and future premier (1923-1925) from Gloucester County, pointed in 1917 to "the scheming which had been carried on by the wife of the Czar of Russia and the wife of the King of Greece in connection with"[154] the First World War. Baker reminded his colleagues that "while many great women had been good there were some who were bad and the influence of a bad woman was a terrible thing as history had shown in many instances.[155] In 1894, Powell gave such an "historic example", suggesting with it that if you leave a woman her independence, you are courting national doom. He claimed that the fall of the Roman Empire came:

*when woman's sphere of action was extended and her status freed her largely from her husband's control.*

[*Yes*] *when the glory of Roman manhood and womanhood stood at its highest woman played no part in the political history of the nation.*[156]

These anti-suffragists suggested that the inherently corrupt nature of politics could hardly be bettered by adding a potentially wicked, potentially corruptible portion of the population to its arena. The nation — no, the world — would be better off if women stayed out.

When suffragists proudly pointed to the popular sovereign Queen Victoria as "the ruler of the greatest empire under the sun"[157] opponents rejoined that she "was so beloved because she did not meddle in politics."[158]

No, the place for women was the domestic sphere in the opponents' view. They raised "the specter of the motherless home"[159], decrying the time when women, especially married women with children, would move into the political arena "first during campaign days and then on election day, and finally [and fully] in ... [their] ... quest for political lives of their own."[160] Ritchie recounted ominously in 1889 that:

*not the spinsters and widows, but married ladies — had remained all day at the polling places during a municipal election. If they were ladies with families, what delightful homes they must have, and what must be the state of their families.*[161]

When opponents pointed to women neglecting their children on election day, suffragists in the House wondered why arrangements could not be made once every four or five years, when elections were held, to permit women this small outing. When opponents pointed to the possibility of marital discord when a woman expressed political views "entirely different from her husband ... [creating] rancor and animosity that might disturb the domestic fireside"[162], even raising the incidence of divorce,[163] suffragist politicians asked:

*If husband and wife differed in politics ... why* [*would this be*] *any more than a difference in political views between father and son, and if a husband and wife have no differences on any subject but politics then a lively discussion every four or five years will be good for both of them.*[164]

Anti-suffragists ridiculed the possibility of women ever being active members of the political sphere. One asked:

# LEADER DEFENDS MILITANT TACTICS OF SUFFRAGETTES

## Miss Pankhurst Here Says Force is Necessary

## SHE TELLS HOW WOMEN ARE USED

### Large Audiance at Opera House Interested for Two Hours by Address of English Girl—Cabinet Ministers Who Repress Popular Demand Responsible for Lawlessness, She Says.

Miss Sylvia Pankhurst, one of the directors of the Women's Social and Political Union of England, which is leading the fight for votes for women, and an apostle of militant suffragism, arrived in the city yesterday, and last evening for more than two hours held a large audience in the Opera House intensely interested in her story of the movement in Great Britain. Disregarding the dictates of fashion as regards figure and style of dressing her hair, Miss Pankhurst does not look prepossessing when she faces her audience, and there does not appear to be anything militant about her except her message. She is tall and speaks with great facility. Defending the action of the women engaged in the struggle, she quotes history to show that the great reforms which have been landmarks in the growth of the British empire were not attained without those in authority being attacked and violence having accompanied the popular demand.

Mrs. E. S. Fisher presided at the meeting, and Mrs W. F. Hatheway was also

legislation, but this contention was not borne out by the terms of the new insurance bill recently adopted in England. Instead of the burden being divided equally and the broad shoulders of the men made to carry the slight additional cost of the insurance to woman, the funds were kept separate and the women received an amount only in proportion to what they paid. They were not allowed to contribute more than three pence a week and not paid more than seven shillings, sixpence, while the men received ten shillings. If a married woman gave birth to a baby, her husband received the maternity allowance of thirty shillings. The baby was his. If the woman was not married or was a widow, she received the maternity allowance herself, but was not paid the weekly allowance for illness as she would have been if it were from ordinary ills, and it was often the case that a woman received less for performing the great service to the state of bringing into the world a new citizen than she did for some slight illness.

**Equal Pay for Equal Work.'**

Miss Pankhurst gave as one of the most potent reasons for adopting woman suffrage that in countries where it had been in practice the women had enforced the rule of equal pay for equal work. In Great Britain the average wage for men was twenty-five shillings a week, and for women seven shillings, sixpence. Women were replacing men in every part of England, simply because the manufacturers found they could do the same work as men for one-third of the pay. In Lancashire there were now 96,000 women members of the cotton union as compared with 49,000 men, and in the Leicester boot and shoe factories 60 to 70 per cent of the employes were women. One reason of the poor pay for female labor was the example of the government which was the largest single employer of labor. Instead of increasing the poorly paid clerks in the great post offices, the government had recently created a new class of assistant clerks at one-half the pay and one-half the holidays of the regular staff.

Women were also unjustly treated by the morality laws, the speaker argued. Men could secure divorces for one single act of infidelity while women must prove specific acts of cruelty.

The lecturer then passed from the discussion of the need for the women voting to a sketch of the movements for votes and a defence of the militant tactics. It was not generally known that there had been a bloody fight for the franchise since 1265 and that in the first three years of

*A 1912 article in the Saint John* Telegraph-Journal *gives an account of militant British suffragist Sylvia Pankhurst's speech at the Saint John Opera House. She told of attacks in England against women who spoke up for female suffrage; she called for equal pay for equal work and many other reforms to improve women's status.*

*A 1920 ad in* **L'Evangéline**, *"Women who work need all their strength...to perform, without effort or tiredness, the often difficult work of the office, the store or the shop... St Michel Wine."*

*An early appeal for New Brunswick women's vote by then Prime Minister Arthur Meighen, in an ad in November 1921 carried by* **L'Evangéline.**

Femmes du Canada

VOL. LXIV, NO. 19[illegible] TWELVE PAGES SAINT JOHN, N. B. FRIDAY MORNING FEBRUARY [illegible] THREE CENTS PER COPY

# WOMEN MAY SOON SIT IN N. B. HOUSE

## Commission to Investigate Marketing Of All Farm And Industrial Products

Government Plans to Eliminate Abuses in Woods Operations

PLANS DISCLOSED

Motor Vehicle and Succession Duty Acts to Be Brought Up to Date

By [illegible]

FREDERICTON, N. B., Feb. 8.—(Staff Special)—Women will be given the right to be elected to the New Brunswick Legislature.

A commission will be appointed to investigate the marketing of all farm and other products in New Brunswick.

Legislative powers will be given to municipalities, rural districts that may be formed to assist in outside operations in the province.

Such is the purport of three amendments that will be introduced in the Legislature at the session which opened yesterday afternoon at Fredericton.

Lieutenant-Governor Inspects Guard of Honor

## *Vienna Is Startled By Plot*

Vast Quantities of High Explosives Seized by Police

LEADERS HELD

Socialist Newspaper Arbeiter Zeitung Taken Over By Armed Authorities

VIENNA, Feb. 8.—(A. P.)—What an official communique described as "an attempt to overthrow the government" was announced as a result of police raids on the Socialist newspaper Arbeiter Zeitung.

Several thousand high-powered bombs, each large enough to blow up a building, were seized, the communique stated, as well as rifles and machine guns, and the equipment.

"The other members," it added, "have enough bombs in their cellars and arsenals of the party."

## BELOVED DOUMERGUE LEADS ANXIOUS FRANCE ALONG PATH OF PEACE

24-Hour Strike Threatens Tie-up Of All Services

PARIS, Feb. 8.—(A. P.)—A [illegible] 24 hours in Marseilles was threatened tonight by the [illegible] state employees [illegible] post a general strike.

The French Federation [illegible] which called the strike, issued a manifesto declaring [illegible] "dictated [illegible] and [illegible] a threatened danger [illegible]."

All workers were called to participate in the demonstration.

An imposing [illegible] of men and the drivers of the bus, [illegible] [illegible] to support the strike meant that all public [illegible], such as railroads, the [illegible], postal services, [illegible] water, electricity and gas would be shut down as a result of solidarity.

Premier-elect Hopes to Form "Cabinet of Sages"

IS ACCLAIMED

But Fears Are Entertained as Further Demonstrations Are Planned

PARIS, Feb. 8.—The aged and venerated Gaston Doumergue had extensive [illegible] among the path to peace today after 48 hours of [illegible] but the premier-elect was [illegible] late on his attempt [illegible] a cabinet of national [illegible].

A reformer of political strife as former president, premier, and president, Doumergue [illegible] to quiet the [illegible]

*The February 9, 1934 story in the Saint John* Telegraph Journal *told of Premier L. P. Tilley's promise of an amendment to allow women to become House members, as a result of "petitions ... from women's organizations, more particularly the Women's Institutes". Most other Canadian women except Quebecers had won the right to be election candidates when they were given the right to vote in the 1910's.*

# TAXES---AND WOMEN

Of all the by-laws ever passed by the Town of Newcastle, the one meeting with the most indignant protest and condemnation of the majority of our fair-minded citizens, is the taxation of women. On all sides, from every walk of life, can be heard vehement objection to this unfair law, yet the Town Council placidly shrugs its shoulder, impervious to the demand of the citizens that the whole matter be re-opened, and that a vote be taken in order to ascertain whether the Council have the support of the citizens in this new taxation, or whether it has acted in an autocratic manner and has overstepped the authority vested in it by the will of the ratepayers.

With probably two exceptions, the members of the Council at the time this contentious by-law was passed, were not the fathers of daughters who may soon feel the weight of this taxation, and probably never will be—yet these men have the audacity to say that all women over the age of twenty-one years will be taxed in the Town of Newcastle. It certainly does not affect the majority of the Councillors, and because of this fact they were not competent to vote on a question that so greatly affects the remaining citizens of this town. It would have been a wise move on the part of the Town fathers to bring the question before the public before any decision was reached one way or the other. In this way they could rest assured that what was done subsequent to such vote, would be in keeping with the wish of the majority of the citizens of the town.

It is hoped that the two new members of the Council are not of the same opinion, with respect to the taxation of women, as are the other members of the Council. It is also hoped that the two new members will bring this question once again before the Council, and point out to them the injustice, hardship, and even unhappiness that this law will cause, if not repealed.

Not many of our citizens are aware of the fact that a woman who is in default with her tax payments may be taken to the County gaol, just the same as a man. There is no choice given a Constable once the execution is in his hands. What one of our citizens wishes to see this take place? But that is what is bound to happen for we live in no Utopia, and there will be a certain majority of the women who will be unable to pay taxes, and the only recourse the town will have is to proceed on an execution.

**WHEN WE HAVE THE PICTURE OF SOME OF OUR FAIR DAUGHTERS BEING MARCHED OFF TO THE GAOL, OUR COUNCILLORS OF 1935-36, CAN LOOK BACK AND BE PROUD OF THEIR INSPIRED HANDIWORK. WE WONDER!**

*A late 1930's editorial in the Newcastle* Union Advocate *by then manager Cecilia Salome-Toomik, now of Saint John. The issue was whether women, being so poorly paid, should have to pay municipal taxes, especially with the prospect that those who could not pay would be "marched off to the gaol". Salome-Toomik, then in her early 20's, pointed out that the Town Councillors were not affected by the law and so "they were not competent to vote"...*

# Petitions

To the House of Assembly of the Province of New Brunswick convened at Fredericton. This petition humbly sheweth; that the late husband of your petitioner, was elected for the County of Westmorland, a member of the House of Assembly, and that on his way to Fredericton, for the purpose of attending the first session of the present House of Assembly, in company with the other members, for this County, and in the service of his country, on the year one thousand eight hundred and three, he was unfortunately drowned in the Kennebeccasis River, and left your petitioner with four small girls, and pregnant with a son, which with difficulty have supported thus far, on a settlement of my late husband's Estate, it was found insolvent, and my whole dependance was my dower, the marsh of which has been since dyked, and must, eventually be sold by the Commissioners of Sewers for the expense, except the House of Assembly will design to take my distressed situation under their consideration, and grant me such pecuniary relief as they in their wisdom, shall think proper, the House may rest assured that nothing but real necessity, could have obliged your petitioner to apply in this public manner for assistance, and most humbly hope it may succeed, and your memorialist as in duty bound will ever pray.

Phebe McMonagle

Westmorland 23 June 1808

January 28, 1895, Saint John

To the House of Assembly of the Province of New Brunswick.
May it please your Honorable Body;
The Petition of the New Brunswick Branch of Dominion Women's Enfranchisement Association

Humbly Sheweth

Whereas, Popular Government is founded on the principles of representation by population and taxation;

and Whereas, the women of New Brunswick form at least half of the population, and in many cases have the required property qualification, and contribute to the public revenue by direct and indirect taxation;

and Whereas, women, equally with men, are interested in the growth and prosperity of the Commonwealth, and equally amenable to the law of the same,

and Whereas, wherever, in the British possessions, suffrage to any extent has been accorded to women, it has been attended by good results;

your Petitioners therefore humbly pray your Honorable Body to enact a law providing that full Parliamentary Suffrage be conferred on the women of New Brunswick, upon the same terms and under the same conditions as that now accorded to men;

and your petitioners are in duty bound will ever pray.

— Signed by Sarah [Mrs. Edward] Manning, president, and Grace Murphy, secretary, on behalf of the Women's Enfranchisement Association.
— Sent to Silas Alward, Member for Saint John City

WEA Minutes]
[pp. 38-40, Vol. 3]

## Friends and Foes

*Alfred A. Stockton, a lawyer and House member for Saint John County, introduced several unsuccessful bills in support of women's suffrage between 1889 and 1894. "Every movement recorded in history for the enfranchisement of women was a step from slavery to liberty, and from barbarism to civilization." (P.A.N.B. photo)*

*Andrew George Blair, a lawyer, House member and premier of the province (1883 to 1896), opposed universal female suffrage for years, judging it unnecessary. "What privilege or benefit affecting their own interest and well-being had ever been denied them?", he said, in denying them the vote. (P.A.N.B. photo)*

*Alphonse Sormany, an anti-suffragist member of the Assembly, and his wife, Eva Couillard, soon after their wedding. Sormany, a physician from Gloucester County thought that "race suicide" would result if women were let out of their proper sphere. (P.A.N.B. photo)*

*"You might as well attempt to dam Niagara as to stop this agitation." George Robertson, member for Saint John City, 1899.*

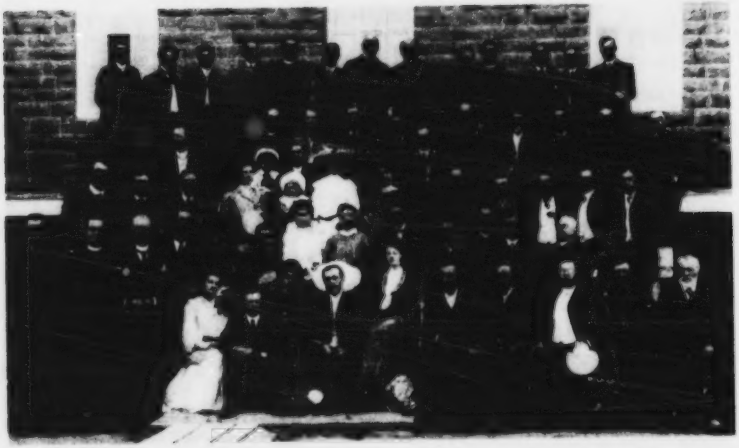
*Henry R. Emmerson was a true champion of women's suffrage. As a House member for Albert County and later as premier (1897-1900), he supported the idea that women should be in a position "to demand their rights rather than beg for them". (P.A.N.B. photo)*

*"But where is man's place? In the vast majority of cases his place is in the home, too." Henry R. Emmerson, 1895.*

*William F. Roberts, a doctor and House member for Saint John, said in 1917 in supporting female suffrage, "It has also been urged that the surroundings of the polling station would offend the finer senses of women, but no objection was made to them paying their taxes and meeting with all classes and creeds while they were doing so". (P.A.N.B. photo)*

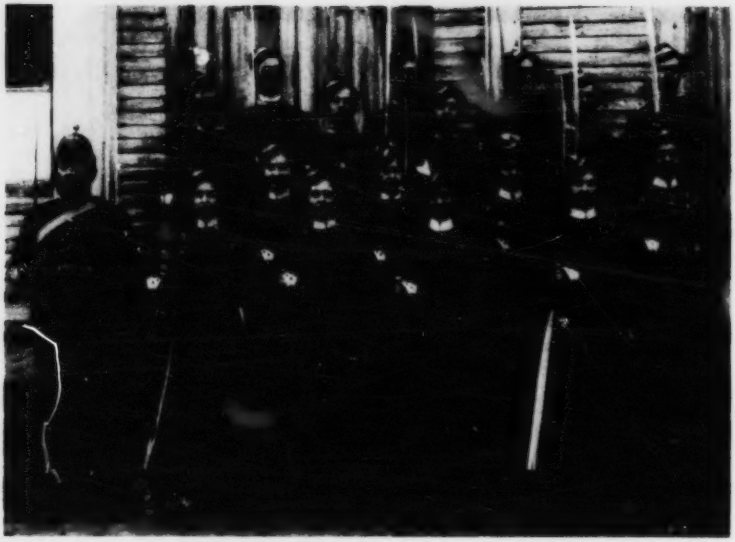
*Frank L. Potts, the ever-faithful suffragist from Saint John, was one of the few who fought for women's right to be members of the House. He was unsuccessful in having it added to the 1919 bill giving women the right to vote. (P.A.N.B. photo)*

## Women in Organizations



*The delegates, including nine women, to the Fifth Acadian Congress held in Caraquet on August 15, 1905. (C.E.A. photo)*

*The Doaktown Temperance Union of 1910, women in the majority. (P.A.N.B. photo)*



*Participants in a Boer War drill held in Newcastle, pictured in front of the Newcastle Armoury on Pleasant St. The women are, from left, Ella Layton; Helen Black, Agnes Phinney; Louise Harley; Mamie Fleming; Bertie Copps; Bessie Bell; and Susie Sargeant. (Ole Larsen Collection, P.A.N.B. photo)*

*The 1933 Women's Institute of Norton, with some of their children. (P.A.N.B. photo)*

*How long would it be before a woman would occupy the office of the solicitor general or clerk of the crown in chancery, and before the speaker should be addressed as "Mrs. Speakeress"? How far did they propose to go, and when did they propose to stop?*[165]

Another quipped:

*I imagine a stout lady, Honorable Mrs. Jemima this or that, holding the office of the Provincial Secretary ... (Laughter.) I imagine further, Honorable Mrs. Isabella something else, as Chief of Commissioner of Board of Works ... (Laughter.)*[166]

In rebuttal suffragists in the House suggested that "perhaps a lady could as well fill"[167] a House seat as a man.

To placate further the opponents' fears of women in positions of power, suffragist member Pitts affirmed in 1894 that "women did not wish to usurp the rights of men, but to have an even say in matters that affected them equally with men"[168]. Earlier in 1889, Emmerson had argued that "it was illogical to say that if women vote they must sit as members of this legislature. At present, ministers, contractors and others vote, but they are disqualified from being candidates"[169]. But the issue was still debated as late as 1917, and Roberts felt a need to put it to rest with a comment on the real numbers of people who actually throw themselves into active politics:

*Some persons ... seem to fear that if women got the vote they would go into politics. Of all men voters how many go into politics[?] Was not the struggle rather to get men to take a genuine and personal interest in politics[?] There was no need to have any fear for the women on that score. If a few women should go into politics, then so much the better for politics.*[170]

Since the late 19th century, many suffragists outside the House had embraced the view that women had special concerns regarding the home. But unlike the anti-suffragists who then contended that women must stay in the domestic sphere to ensure that its high moral standards did not crumble, suffragists argued that women should bring those moral and nurturing concerns into the public and political sphere. Roberts captured the essence of this line of argument in 1917 when he explained:

*A fatal mistake was made in defining home as the dwelling place occupied by her [the woman] and her family. Home is wherever the woman's influence*

*dominates, and as the members of her family are separated from her at school, at work, or abroad her influence goes with them, and this in the larger sense is home. She is interested in the environments in which her family is placed, and she will exert every influence to make these environments conducive to the happiness and well being of her family. Women today are interested in factory conditions, they are interested in the moral and social environment of our industrial centres.*[171]

Suffragists adroitly turned the recurring anti-suffragist "woman in the home" contention into an eloquent suffragist argument. While clever for the times, the argument nevertheless locked women into a narrow role. It resembled anti-suffragist Powell's description of woman as the "guardian of mankind", as the world's nurturer in the broadest sense. But, limiting as that argument might have been, during the struggle for the vote it was a liberating assertion, radical and provoking.

Many New Brunswick women did not fit into the classic picture of the woman at home with her children. From the province's inception, there had always been women who worked outside the home,[172] and from the late 19th century onward their numbers began increasing as women filled the ranks of the teaching and nursing professions, continued as domestics, entered factory jobs, became operators and telegraph operators, dressmakers and milliners, and opened small businesses ... and more.[173] To many suffragists it became more and more clear that the traditional role of women working exclusively in the home, as wife, mother and homemaker was one role among many which a woman could assume.[174]

In the House, suffragists pointed squarely to that working women phenomenon. As early as 1889, Silas Alward, a physician from Saint John, noted that elsewhere, "women are making their mark as lawyers and doctors"[175]. In the same year Wilson claimed, "As teachers and writers and in heroic devotion to duty they [women] are far superior to us lords of creation"[176]. In 1899 Emmerson referred to the fact that there were thousands of women earning a livelihood and some of the most successful business ventures in the country were run by women. In the profession of teaching, they outnumbered men by nearly four to one.[177] Suffragists pointed out that many women were the sole supporters of their families when left as widows or deserted by their husbands.

And then there were educated women. Since 1854 when what is now Mount Allison University opened its Ladies' College,[178] and even as early as 1837, when women audited courses in chemistry at the University of New Brunswick,[179] a certain class of

privileged anglophone women had had access to higher education. Their success in this non-traditional field was exalted by suffragists in the House as a fact showing that women could and should enjoy life outside the exclusive domestic sphere.

In 1889 Emmerson commented:

> *Ladies had in many cases proved themselves the equal to men in point of intelligence, and in this connection he referred to the success of the lady students at N.B. University, who last year were in advance of their male competitors. He had no sympathy with those who said the only desire of young ladies was to get husbands.*[180]

In 1894, James Russell, a farmer from Charlotte County active in local affairs, noted:

> *In the educational walks of life women were taking the leading positions. Only to-day he had read in the press that Miss Henry of St. Stephen has graduated from the Chicago Medical college, distancing all competitors.*[181]

Anti-suffragists had expressed the fear that married women would merely vote as their husbands, thus justifying the argument that these women should not be able to vote at all. Wilson proclaimed education as the prevention of "voter's imitation". In 1889 he said that

> *He did not think there was anything in the argument that married women would vote at the beck and nod of their husbands. Wherever women had the advantage of education they were fearless and independent.*[182]

Women's sphere had widened. They were to varying degrees involved in employment, education, social organizations and reform groups. But in the minds of many anti-suffragists, women's sphere had remained closed. Moreover, the opponents, like many people of their times, believed that women had innate feminine traits which, while appropriate to their "proper role", were at risk and undesirable in the political sphere. These traits included emotivity, caring, supportiveness and responsiveness, that apparently men could not display. On February 27, 1895 the Saint John newspaper *The Daily Telegraph* included beside its description of the women's suffrage debates in the House the quotation: "Effeminate men are ridiculous, masculine women repulsive."

To the most adamant anti-suffragists, like Blair and Ritchie, the "feminine" traits were repulsive when displayed by men. In 1889, while he was premier, Blair systematically accused the

suffragists in the House, men such as Stockton, Emmerson, and Wilson of emotionalism and sentimentalism. He declared that:

> *If he had not known how talented these gentlemen were; how capable of dealing with public questions they were; how sound in many respects their judgement was, he would have felt that they had simply given themselves away to a species of fantastic sentimentalism which was not in accord with a wise and judicious public policy.*[183]

Ritchie said he "would go further and call it fanatical sentimentalism".[184] For these House members there was a clear division between emotion and reasoning and a clear place and sex for both. When Stockton called for the vote for unmarried women in that session, Blair requested that the House members "not yield to the appeal of his hon. member from St. John, but keep a firm and strong hold upon their heads and not allow their hearts to influence their votes upon this occasion"[185]. Applause supported his demand.

Blair and his supporters advocated a notion typical of the Victorian Era. This separation of heart and head — of emotion and reason — and their attribution, one to woman and one to man, was widely propagated. It even found its way into the popular literature, assuring its wide dissemination. Alfred Tennyson, a popular English poet of the times, allotted the sex roles in his poem *The Princess,* stating succinctly:

> *Man with the head and woman with the heart;*
>
> .....
>
> *All else confusion.*[186]

The marriage of these two elements within one person was to these Victorians, inconceivable, even catastrophic.

Sormany, worrying about the mixing of female and male traits as women entered the political arena, stressed that he did not want to "champion...the suffragettes, those masculine-feminine beings who had done very little towards securing the rights of women."[187] For him "securing the rights of women" was keeping them as they "should be, and as all true men wanted ... [them] to be"[188]: in the home. He warned that we would bring "the evils of race suicide"[189] upon us if we allowed the intermingling of the sexual roles and traits, if we allowed women out of their "proper sphere".

But as early as 1889 members of the House were challenging this Victorian assumption regarding the separation of roles and traits according to sex. Alward declared:

*The sexes by intermingling, improve each other. The men become more refined and the women more manly, if he might use the expression.*[190]

Unlike Sormany, he saw the strengthening of society, not its suicide, emanating from the integration of the feminine and the masculine. He sensed that a spiritual liberation was possible when the sexes interacted, when they could if they chose be more alike.

Where did this Victorian concept of strict sex roles and traits place women? In a very defined and confined space. In 1889, Blair had just delivered a long speech on the place of woman, stressing that "the Creator designed woman ... for the duties of a higher and nobler sphere"[191] and that woman must keep to it. "Put her in a cage like a canary,"[192] Stockton challenged, appalled that Blair would dare, even in rhetoric, clip the wings of half of humanity. Blair true to himself and true to Victorianism replied, "I would sooner see her in a cage than in a polling booth — and a cage is the proper place for a canary"[193]. The House supported his remark with applause.

One could not have asked for an interchange that revealed more about the two opposing attitudes towards woman — one that gave her choices, the other rigid limitations. The Victorian image of the woman had placed her on a lofty pedestal, and as Stockton implied then, and as feminists are given to say even now: a pedestal is like a cage — it allows little room to move.

**The heyday of the suffrage movement: the 1890's**

The politicians arguing both for and against women's suffrage raised basic questions about women's place, roles, capabilities, even their emotional and psychological needs. But what about the women, themselves? How did they perceive themselves and how did they argue and fight for their right to vote?

After the agitation of the 1880's, women organized to advance the suffrage movement with even greater vigor, and their efforts, as much as their actual arguments, reveal what they believed they could and should be doing in the greater society outside their homes.

The 1890's were indeed the suffragists' golden years, the years which saw the first and only provincially-oriented Women's Enfranchisement Association (W.E.A.) formed (1894), when the Women's Christian Temperance Union (W.C.T.U.) added the issue to their platform (1895) and when women in large numbers began petitioning for the right to vote. This period of fervent

activity was not to bring any real change in the political status of women, but it witnessed such strong public and legislative debate as to prepare the ground for later success.

This new level of activity actually began before the turn of the decade, in 1889 when the manhood suffrage debate was in full swing in the House. At that time it appears that women were present in the galleries and on the floor of the House backing the politicians who argued for women's enfranchisement.[194]

Then came the petitions. In 1891 the House received a petition from 31 women in Carleton County "praying that the New Brunswick Election Act of 1889 may be so amended that Women might thereby be entitled to vote for members of the House of Assembly";[195] in 1892 a similar petition was sent by the W.C.T.U. of the Maritime Provinces;[196] and in 1894 the House was inundated by women's suffrage "petitions signed by 10,000 or 12,000 persons"[197] from almost all corners of the province. In 1895 hundreds more petitioned the government on the same issue.[198] Women and men were attempting to counter the popular anti-suffragist argument that women did not want the vote.

Despite such powerful expressions of suffragist sentiment, many of the anti-suffragists in the House remained adamantly opposed to granting women the right to vote. When the petitions were introduced in the debates, Premier Blair claimed that:

> *It [the women's suffrage issue] was not a live issue, and he believed the majority of women were indifferent or opposed to it. A great many signatures, it was true, had been obtained to the petitions, but they had been secured in many cases by irrelevant appeals to the signers. If the women did not want it, why should the House grant it? If they did want it he would be willing to give them a fair hearing.*[199]

He insisted with others that women did not want the right to vote "imposed upon them"[200]. Even as late as 1917 Veniot would be arguing that "it would be wrong to force upon...[women] something [the franchise] which they did not desire"![201]

Suffragists in the House counteracted this argument with common sense:

> *In any event the right [to vote] was only permissive. If there were ladies who did not wish to vote they could exercise that wish, but they had no right to place a stumbling block in the way of those who did.*[202]

Suffragist politicians were obliged to repeat this near cliché for

almost three decades, watching it slide off their opponents like water. The House suffragists even pointed out that many enfranchised men did not exercise their right to vote (some being too drunk to do so), but there was no call among the legislators to repeal these men's right to vote.[203]

The women agitating for the right to vote were facing an opposition which, until the end, would attempt to ignore or disclaim their petitions, their letters and later their delegations, an opposition which in effect attempted to dissuade women from their cause.

In the midst of this suffrage activity, 18 Saint John women banded together on March 30, 1894 to form what became the New Brunswick branch of the Women's Enfranchisement Association of Canada.[204] Its membership always remained small, and in later years it faced such indifference or hostility that it opted out of the suffrage struggle for short periods. But, in spite of the obstacles, the association was to become the "standard bearer"[205] of the women's suffrage movement in the province. It was to be the first and only provincially-oriented society to dedicate itself exclusively to the cause of women's enfranchisement.

Three dedicated women formed the core of the W.E.A.'s first executive: Sarah Manning, as president; Manning Skinner, as vice-president; and Ella Hatheway, as secretary-treasurer. Their personal contacts with the business as well as the local and provincial political communities helped strengthen the potential clout of the club. Manning was married to the secretary of the Board of School Trustees, Edward Manning;[206] Skinner's brother, C.N. Skinner, was a federal politician with strong provincial contacts;[207] and Hatheway's husband, W. Franklin Hatheway, was a member of the "business elite of wholesalers and lumbermen",[208] although a rather unorthodox one due to his "socialist-tinged progressive politics", [209] and between 1908 and 1912 was a M.L.A. In fact, he was one of only two male members of the W.E.A.[210] and during his term as M.L.A. for Saint John he championed the suffrage cause in the legislature following in the footsteps of Emmerson and Stockton, both of whom had entered federal politics, in 1900 and 1904 respectively [211].

Four years after the W.E.A.'s formation, Emma Fiske, a widow and a talented linguist heavily involved in local associations, became the club's second president, a position she held until her death in 1914.[212] She was Skinner's sister and both had connections with many other community reform organizations.[213] In fact, since half the organization was composed of women from the upper class [214], it would seem that numerous members had social connections useful to the club. The involvement of these women in other community affairs helped

give the suffrage cause respect and acceptance it might not otherwise have had. The community at large could see for itself that suffragists were human and approachable. These organizational connections also put women, like Fiske with her involvement in the Natural History Society,[215] in contact with "reform-minded men"[216] with certain clout and influence such as politicians and editors [217].

Important as these contacts were, the basis of the club's strength lay within its members. They displayed great energy in organizing their petitions to and their lobbying of the government and remained dedicated to their cause even as they met indifference and hostility from politicians and occasional rebuffs from other women's groups.[218] In 1899, 12 petitions demanding women's suffrage "bombarded"[219] the legislature, among them the W.E.A.'s petition which included close to 4,000 signatures[220]. The W.E.A.'s tiny membership would have had to work tremendously hard to mount such a formidable petition, "a petition to dwarf all previous petitions"[221], especially since many of the club's members would not have had a great deal of extra time to devote to such an effort.[222]

The women's efforts between 1894 and 1899 instigated renewed efforts by suffragist politicians. In 1894 Stockton introduced a resolution to confer upon women the right to vote provincially, supported by the petitions of over 10,000 names.[223] It lost 21 to 14. By then the Saint John *Daily Telegraph* had "thrown its full support to the suffragist cause"[224] and viewed this setback as temporary. It commented:

> *There is no law to prevent the Attorney-General [Blair] from changing his mind, and it is hoped he will see the subject more clearly before next year. The ladies may rest assured that they hold the winning cards if they are ready to use them.*[225]

Stockton tried again the next year for suffrage for unmarried women. Emmerson pushed a resolution for full enfranchisement. 18 petitions including petitions from the W.E.A. and W.C.T.U. supported these bills, but the measures lost, 15 to 14 and 19 to 15.

The *Daily Telegraph's* editor "heaped scorn and censure upon the heads"[226] of those who had opposed the bills and optimistically predicted the eminent triumph of the cause:

> *...no opponent... was able to put forward a single reason against their bill which was worthy of serious consideration, or which rose above that species of argument which is denominated as twaddle. The man*

> *who, in this age ..., sets himself down seriously to the task of showing that women should not be entrusted with the power of electing legislators, only proves his utter incapacity for comprehending the signs of the times and the tendencies of the age. We consider that the cause of woman suffrage has made an immense gain this year in New Brunswick, and that its triumph at an early date is as certain as the rising of tomorrow's sun.*[227]

During this period of mounting interest and fervent activity in the women's suffrage cause, an Acadian woman, using the pseudonym Marichette, wrote a letter dated February 9, 1895 to *L'Evangéline,* claiming the right to vote for women and declaring that women were "aching with the desire"[228] to get into the polling booths. Suffrage petitions containing over 10,000 names in New Brunswick in 1894 and in Nova Scotia in 1895 [229] proved Marichette's claim. Although the letter is identified in the paper as being from Chéticamp, Nova Scotia, research into the woman's identity indicates she was Emilie Leblanc Carrier, a woman from Memramcook, New Brunswick who had taught in Nova Scotia.[230]

This seems to be the first and last suffrage letter written by an Acadian woman to appear in a major Acadian newspaper. Other Acadian suffragists were to be denied these newspapers as a forum for their views. In April 1895, *L'Evangéline* announced that although it would continue to publish the letters of Marichette (a regular and apparently popular correspondent), they would "clip the wings"[231] of those many women who also desired to appear in its pages. The newspaper stated it was against women's enfranchisement. Over two years later, in August 1897, *Le Moniteur acadien* wrote that letters similar to Marichette's, which were written in a particular dialect, would be destroyed on the pretext that the dialect was denigrating to the French language.[232]

Suffrage petitions were not sent in 1896 but one small advance came that year. Emmerson sponsored a bill which stipulated that all school boards have two female members, improving on an 1893 law that anti-suffragist Blair had introduced, permitting one woman on each board of school trustees.[233]

Also that year, when the convention of the Association for the Advancement of Women was held in Saint John, the W.E.A. took the opportunity of inviting speaker Julia Ward Howe to give a public address. She was the American feminist who, pained by the consequences of the American Civil War, had originated Mother's Day and its fundamental message for peace. She

accepted the W.E.A. invitation, and so it came about that at this early date (September 14, 1896) "feminism [was] preached by a world-renowned expert"[234] before a large audience in Saint John.

In 1897, the W.E.A. backed Stockton behind the scenes [235] when he made another unsuccessful bid to enfranchise unmarried women. The group could only have been heartened when Emmerson was elected premier in 1898. It and the W.C.T.U. began mounting another impressive example of popular support for women's enfranchisement. Twelve suffrage petitions descended upon the legislature between April 7 and 12, 1899; on April 13, Emmerson introduced his bill for the full enfranchisement of women.

The anti-suffragists voted down the bill — 34 to 7. John Douglas Hazen, the Conservative party's new leader, a lawyer from Sunbury County and a future premier (1908-1911), mocked the petitions, which had been circulated for the most part in Saint John because of the local W.C.T.U.'s and W.E.A.'s lack of resources. He noted that "fully one-half of the 2,183 names from St. John were those of men",[236] as if this fact were somehow both aberrant and abhorrent, and worse "only 3,295 names were submitted, only 2,095 were women".[237] He decried the fact that "No petitions whatever had been received from Madawaska, Victoria, Gloucester, Kent or Kings"[238] without attempting to understand or analyze the reasons for this absence. He declared that, "Behind all legislation is physical force, and in the end the man must rule"[239]. So it was to be in New Brunswick's provincial politics for the next two decades, and, one could argue, for much longer.

The W.E.A. decided against sending a letter of thanks to Emmerson and his supporters, voting in their minutes that "the attitude of the legislature towards our Petition did not commend itself to the Club"[240].

### Years of adversity

After the 1899 suffrage effort, the women's suffrage issue seemed to die at the public level until 1908. The W.E.A., the "vanguard"[241] of the suffrage movement, turned inward. Between 1899 and 1902 it focussed on the political theories of collectivism and practical socialism, as well as certain women's rights issues such as equal pay for equal work.[242] In 1899 the group had been rebuffed at the Maritime Provinces convention of the W.C.T.U. The latter, having invited W.E.A. members to participate and their president to give a speech, "forgot that ... [the] Suffrage Club had any part to perform"[243] in the convention. Relations remained good between the two, the president of the W.E.A. being the head of the

suffrage department in the provincial W.C.T.U.,[244] but the groups never became close due to their ideological differences. The W.E.A. was not motivated by the temperance issue nor "maternal feminism" — the belief that woman's nurturing and good graces could save the world.[245]

In 1902, a rift that was to temporarily cripple the suffrage cause occurred in the ranks of organized Saint John women. The Local Council of Women (L.C.W.), a coalition of numerous local women's groups and an organization which in other Canadian cities had been a focal point [246] for suffrage activity, had remained unsupportive of the suffrage issue since the Council's founding in 1894 [247]. This inactivity angered the W.E.A., which itself had L.C.W. members. Further, at its annual meeting in 1902, the L.C.W. greeted the W.E.A.'s report on its socialist studies with a "laugh of derision or amusement".[248] The W.E.A. formally severed its ties with the Council for several months.[249] It took until 1910, when the L.C.W. received permission from the National Council to pursue the goal of women's enfranchisement for this rift to heal.

Between December 1903 and November 1907, the W.E.A., itself, ceased to function for reasons "best known to Clio"[250]. In 1907, its members turned their attention squarely to the practical issues of women's suffrage and women's legal rights. They reviewed suffrage activities and progress elsewhere — New Zealand, Australia, Finland and England — and studied Mabel French's suffrage bill, which they hoped to introduce into the legislature.[251] Mabel French was New Brunswick's first female lawyer and an active W.E.A. member until her departure for British Columbia in 1910.

1908 saw the W.E.A. reassert itself publicly, petitioning the government for the enfranchisement of women and sending a delegation of four armed with Mabel French's bill to discuss women's enfranchisement with the new Conservative premier, the well-known anti-suffragist Hazen. The reception was "chilling"[252]. In the legislature, Hatheway and John Edward Wilson, representing Saint John, unsuccessfully argued for the bill, which would have given the right to vote to unmarried women.

Conservatism seemed to reign both within the legislature and without, among even the women's groups. This climate provoked one dedicated suffragist to write to the Saint John *Evening Times*. Her name was Mabel Peters, a woman active in community and reform affairs. She had, among other things, instigated the national playground movement to ensure at least a little healthy space for children, especially the needy, in the crowded early 20th century cities. She was the daughter of

Martha Hamm Lewis, the first woman to be allowed to attend Normal School (1849) in Saint John, on the condition that she enter class 10 minutes before it started and leave 5 minutes before it ended, spoke to no one and wore a veil.[253]

The letter which Peters sent to the *Evening Times* was actually written by the American suffragist Rose E. Helmes and Peters stated that it reflected her sentiments exactly. Through Helmes, Peters charged women for being "their own worst enemy",[254] claiming with Helmes that "woman's advancement has no greater stumbling block [than]...conservative women's clubs"[255]. She hinted at the reluctance of certain women's groups in Saint John to join in the efforts of mounting suffrage petitions. She believed that while advancing "their own prestige [these conservative women]...tarnished the suffragists' reputation through their unwillingness to face the facts of women's repression"[256].

> *The conservative...woman...insists on staying in the rear...and worse, she will use her combined influences to keep the great sisterhood of women in moral slavery. And the very same women...are the women who...are holding themselves up as examples of superior intelligence, moral integrity and religious devotion.*[257]

The letter concluded with a remark which probably had great personal significance for Peters, considering her mother's trials in receiving a teacher's training: " 'Remember [that ]the greatest soul is always the one with the broadest conception of individual liberty', not the one fettered 'to a life of narrow creeds and limitations' ".[258]

Again in January 1909, the W.E.A. sent a delegation to meet with Premier Hazen with no better results than the previous one. Hatheway (the M.L.A.) introduced another bill to enfranchise unmarried women three months later and in April when it was before the committee of the whole seven suffragists came to support it. Some of the legislators — gallant as always — greeted their arrival with "cries of 'Help!', 'Police!', 'Sergeant-at-Arms!' "[259] and loudly clanged the division bells. Several of the M.L.A.'s were involved in a tactic of sexual harassment: composing, distributing and openly laughing over a sexist and sexually deriding "verse" inspired by the suffragists' presence. After the session, the verse, complete with the Legislative Assembly's seal, was anonymously sent to the home of one of the W.E.A. members.[260]

In spite of these coarse dismissal tactics, the suffragists stayed three days lobbying for the bill. But M.L.A. James A. Murray, a

manufacturer's agent from Kings County and later briefly premier in 1917, used a legislative tactic to put an end to the bill's legislative life[261] and the suffragists lost for another year. They noted in their minutes, "On this occasion we were treated with insult"[262].

As the suffrage cause gained support from established groups, such as the Local Council of Women and the Sons of Temperance[263] in 1910, the W.E.A was turning to more militant sources of inspiration, such as the daring and charismatic Pankhursts of England (mother and three daughters: Emmeline, Christabel, Sylvia and Adela). The W.E.A. wrote in their minutes in 1911:

> *Lady-like effacement for the sake of party was productive of nothing and the suffragettes so-called have made themselves stepping stones for all women in the world to cross the river of injustice and gain the solid shores of human rights. Let us withhold our judgement upon the window smashers until quiet comes after victory and not condemn what seem rude and mistaken methods to us who have had no experience with old country politics, but remember what these English women are fighting for.*[264]

In January 1912, Sylvia Pankhurst came to Saint John to give a talk on women's rights and suffragism at the W.E.A.'s invitation.[265] Having commenced the year with such a rousing meeting, the W.E.A. quickly sent another women's suffrage petition to the legislature. Walter B. Dickson, a lumber industrialist from Albert County, introduced yet another partial enfranchisement bill, supported by numerous petitions and resolutions including those from the W.C.T.U. and the Men's Provincial Temperance Federation [266]. It was unsuccessful due to a technicality.[267]

Ella Hatheway, prevented from voicing her grievances to the Assembly while this measure was being discussed, did so in the Saint John *Globe* probably much to the chagrin of the guilty M.L.A.'s. She recounted how several M.L.A.'s had attempted to sexually harass members of the 1909 delegation in an effort to dissuade the suffragists from their cause. She affirmed:

> *...The woman suffrage movement, the world over, had broadened and intensified during the past year. In no way is this shown more than in the growing demand from women that they shall no longer be regarded by men as sex beings, but as human beings; that they shall be recognized, politically and economically, as persons,*

*not as females merely. This note has been struck by writers and speakers alike, men and women, and is the keynote of ultimate success.*

*Only the woman who is vitally interested in her own full citizenship recognizes and can comprehend the extent to which, as a sex class, we are set apart in a secondary position in the community, in the church, in the home, everywhere. Daily, in a hundred ways, she feels this secondary place. Now she is rising to an appreciation of herself, and with her new self-respect she is demanding recognition as a human being....*[268]

1912 also saw some forward steps made in the women's suffrage cause. W.E.A.'s president, Fiske, instigated the formation of an "equal franchise league"[269] in Moncton, a realization which undoubtedly encouraged the W.E.A. The Protestant clergy had begun openly supporting women's suffrage. H.A. Cody, rector of the St. James Anglican congregation in Saint John, who "appears to be among the first ministers to speak from the pulpit on behalf of suffragism"[270], gave a portion of one of his sermons at a W.E.A. suffrage tea. He proclaimed the women's demand for their right to vote "wholly righteous"[271]. Although many of the Protestant churches were by then openly embracing the suffrage cause, evidence has yet to be found of the Roman Catholic Church's support.

In 1913, Donald Munro, a manufacturer representing Carleton County, introduced yet another of the bills that called for the enfranchisement of unmarried propertied women. He claimed the support of the Saint John Branch of the Canadian Suffrage Association (the W.E.A.'s new name after 1910), the provincial W.C.T.U. and the Carpenters' and Joiners' Brotherhood of Saint John and the backing of "largely signed petitions in different sections of the province."[272] The Assembly voted against it 21 to 10, despite a gallery packed with female suffragists.

During the debate, other suffragists in the legislature had observed that society, to its betterment, was evolving to allow women more rights. Northumberland County's James L. Stewart, a journalist and editor known for his independent views, affirmed that:

*If one went back into history, what did they find was the ruling influence? It was the man with the club. He was the lord and master, the woman was merely a slave, but after many years.... Women arose to become rulers of the world, the world advanced along lines like these for ages. Every generation had extended more or*

> *less power to the women than the preceding ages, because in justice to the intelligence of the women, they could not deny them the rights the previous government had refused them.... The suffrage movement was an upward one, and progressed toward the light out of the darkness.*[273]

He also noted that:

> *Men owed a great deal to the energy and ability of the women....Hon. members...owed much of the ...education they had acquired to the energy of the ladies [female teachers]. It was that education that fitted them [M.L.A.'s]to take their place in public life to-day.*[274]

But to no avail.

When the First World War erupted in 1914, women involved in suffrage work began redirecting much of their time to the war effort. The deaths of Skinner, Fiske and Peters also dealt the W.E.A. a severe blow. Clara O. McGivern, an art teacher and a member of the W.E.A. for only two years, became its new president. Hatheway continued as secretary, giving leadership behind the scenes and assuring continuity within the club's executive.

Despite the club's internal hardship and the depletion of its human resources as members helped in the war effort, the club was central in 1914 to raising interest in the issue of granting married women voting rights in Saint John's municipal elections. (Since 1886, only unmarried propertied women in New Brunswick had had the municipal vote.) The City and County of Saint John responded to the agitation by petitioning the legislature to pass "an act to permit Saint John to hold a plebiscite on extending the municipal franchise to the married women of that city"[275]. The legislature complied and the plebiscite race was on. The W.E.A. became involved in a door-to-door campaign,[276] building forces for the "yes" side. The plebiscite's results must have been heartening for the W.E.A.'s members who had become dispirited with the continued hostility towards women's provincial enfranchisement. 3,175 Saint Johners voted for and 2,260 voted against the proposal.[277] The legislature later passed the Saint John bill with no debate.

This marked the first concrete advancement in the women's suffrage struggle in New Brunswick in almost 30 years. It also signified a reversal in attitudes to married women's place and rights in politics. Both the public and the legislature had conceded that married women could express a political voice of

their own without causing, as anti-suffragists had been so sure, the destruction of the family and the downfall of society.

Although the war effort absorbed much of the suffragists' time, it also, paradoxically, aided their cause. As one scholar of the New Brunswick suffrage story, Mary Eileen Clarke, put it:

> [*The suffragists' war work*]...*provided...political opportunists, and...die-hards who had until the last moment stood upon an anti-suffrage island,* [*with*] *the excuse...they needed to float with the tide of world opinion which engulfed them, toward the eventuality of woman suffrage.*[278]

The anti-suffragists in New Brunswick were indeed beginning to look ridiculous by the spring of 1917. All the provinces west of Quebec had granted women the provincial franchise and Nova Scotia and the Dominion of Canada, with the federal franchise, were on the eve of doing so.

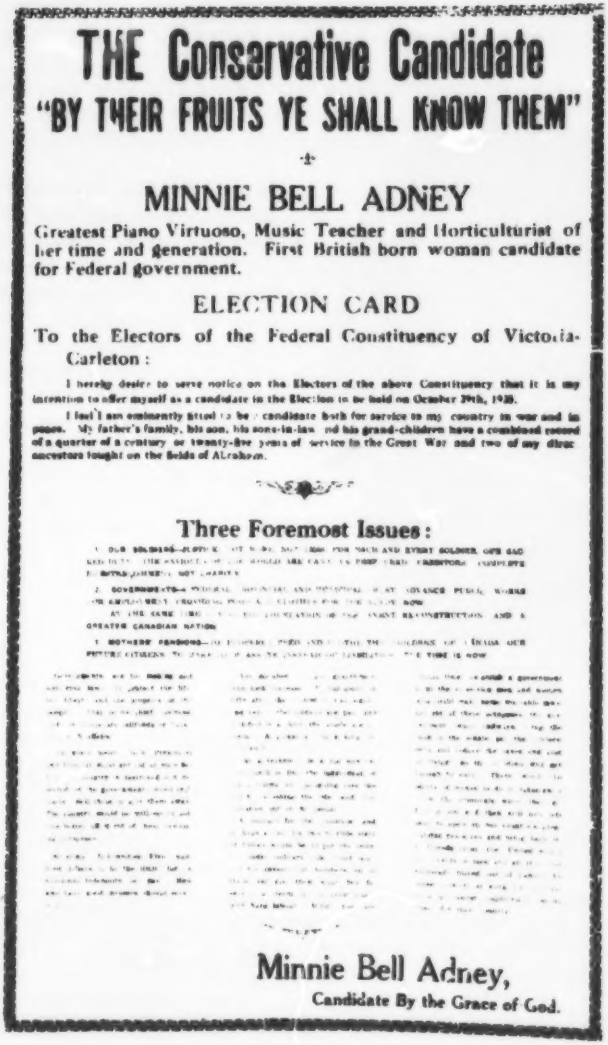
The New Brunswick suffragists had high hopes that 1917 would be their year. Ella Hatheway approached several newspapers to request wider news and editorial coverage of the women's suffrage bill and the W.E.A. asked for backing from various provincial organizations including the W.C.T.U. and the Trades and Labour Union. The Association tested the M.L.A.'s, asking each how he intended to vote on the expected suffrage bill. The club also sponsored a series of public meetings in the larger New Brunswick towns in April and May "to whip up interest in the pending suffrage bill to get people to sign petitions backing it."[279] W. Franklin Hatheway, Senator George G. King, from Queens County, and two Saint John reverends, Wentworth and Jenner, lent their weight to this public campaign. The huge public effort resulted in the building of a loose provincial network of suffragists and suffrage sympathizers — a network so large that the tiny membership in Saint John could not wholly direct it. Also for the first time it heard from "an early suffrage circle"[280] in Sackville and a new one in Perth.

In May, Roberts, the Liberal's Health Minister, brought in a private member's bill on women's enfranchisement. He had the solid support of the public. The W.E.A., the 19 branches of the provincial W.C.T.U., the Local Council of Women (representing 25 women's societies), many of the province's clergymen and the Saint John press had all thrown their weight and energy behind the measure. Resolutions arrived from the L.C.W. and the Trades and Labour Council supporting the bill and from the Fredericton King's Daughters supporting women's suffrage. As the bill was being debated, "lady school teachers"[281] and "members of the

## Female Firsts

*Mabel Penery French graduated from law school in 1905 but the Barristers' Society and the Supreme Court of New Brunswick decided she was not a person and only persons could practice law. It took new legislation in 1906 to allow Mabel French to become New Brunswick's first female lawyer. (Photo reproduced from* History of the Law Society of British Columbia, *Alfred Watts.)*

*Mary Matilda Winslow was the first Black woman to graduate from a New Brunswick university. She graduated with honors from U.N.B. in 1905 and the university monthly called her "the classical genius of '05". Unable to obtain a teaching post in the province, she taught in Halifax and eventually in the United States. (Graduation photo, 1905, H.I.L.A.S.C.)*



# THE Conservative Candidate

## "BY THEIR FRUITS YE SHALL KNOW THEM"

## MINNIE BELL ADNEY

**Greatest Piano Virtuoso, Music Teacher and Horticulturist of her time and generation. First British born woman candidate for Federal government.**

### ELECTION CARD

**To the Electors of the Federal Constituency of Victoria-Carleton:**

I hereby desire to serve notice on the Electors of the above Constituency that it is my intention to offer myself as a candidate in the Election to be held on October 29th, 1925.

I feel I am eminently fitted to be a candidate both for service to my country in war and in peace. My father's family, his son, his sons-in-law and his grand-children have a combined record of a quarter of a century or twenty-five years of service in the Great War and two of my direct ancestors fought on the fields of Abraham.

### Three Foremost Issues:

1. OLD SOLDIERS—PLEDGE ... NOT A DOLLAR FOR SUCH AND EVERY SOLDIER, OFF AND ... THE PRESENT ... THE WORLD ARE CAUGHT TO PUMP THEIR TREASURY. CONSPIRE ... BOTH PARTIES, NOT CHARITY.

2. GOVERNMENT—A NATIONAL ... AND INDUSTRIAL ... AT ADVANCE PUBLIC WORKS ... EMPLOYMENT. CREATING ... CAPITAL FOR THE NEEDS NOW ... AT THE SAME TIME ... THE CONSERVATION OF OUR PRESENT RECONSTRUCTION AND A GREATER CANADIAN NATION.

3. MOTHERS' PENSIONS—... PROVIDE AND ... THE CHILDHOOD OF ... THAT OUR FUTURE CITIZENS ... AND THE CONSERVATION OF ... THE TIME IS NOW.

Minnie Bell Adney,

Candidate By the Grace of God.

***Minnie Bell Adney of Woodstock was New Brunswick's first female candidate in a federal election. She lost in her bid as an Independent candidate in 1925. She had wanted to run in the 1919 election as a Conservative but her name never appeared on the ballot, due to a technical error or, as Adney believed, to her lawyers having accepted bribes. Only in 1964 is a female candidate successful in a federal election Margaret Rideout of Moncton. (P.A.N.B. photo, 1925 election poster.)***

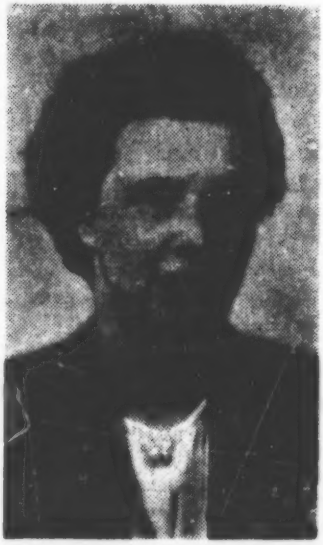
*Frances Fish was the first female candidate in a provincial election in New Brunswick. The well-known Newcastle lawyer ran and lost for the Conservatives in 1935. It would be 1967 before a woman, Brenda Robertson, would win a provincial seat. (Graduation photo, 1910, H.I.L.A.S.C.)*

## C.C.F. Candidate

# C.C.F. NOMINATES WOMAN IN QUEENS

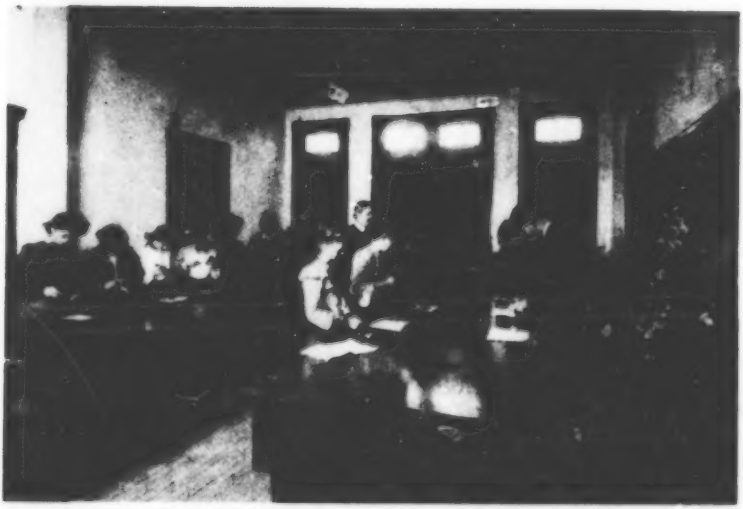
**Mrs. Gladys West Is First of Sex Named; Running Mate Is J. K. Chapman**

*The press thought her the first, but Gladys West was the second woman to run for provincial office. She lost in her bid in 1948.* (Telegraph-Journal, *1948. Courtesy of Clara West, Chipman)*



**MRS GLADYS WEST** of Chipman, who is one of the two C. C. F. candidates nominated in Queens County. She is a housewife and is believed to be the first woman candidate ever nominated in New Brunswick and probably in the Maritime Provinces, for provincial election.

*The faculty of Moncton's Victoria School in 1890 — women are already well in the majority in the teaching profession. (M.M. photo)*



*A laboratory lesson on apples in the Macdonald Consolidated School, Kingston, N.B. (P.A.N.B. photo)*

*The Moncton office of the N.B. Telephone Company, c. 1917. (M.M. photo)*

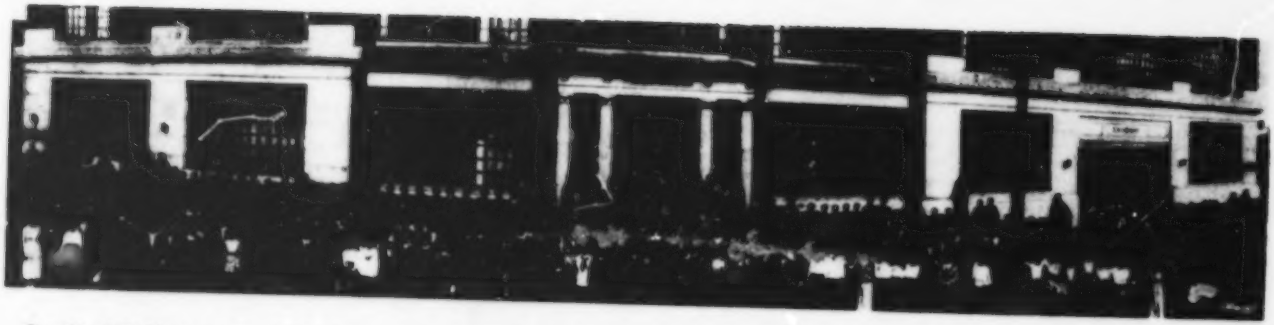
*Women were often responsible for the grain harvest, in the early days cutting the crop with sickles (note sickle in photo). The grain was then sent to a local mill to be ground into flour for the family. The woman on the right is a "servant". Women in need of child care or household help hired local girls for small wages, generating a limited possibility for a young woman's employment & subsistence. In the photo taken c. 1926 in Bas-Caraquet are, left to right: Marianne Lanteigne, Marie Doiron Lanteigne, Lezia LeClair. (Photo: Eva Lanteigne-Drisdelle, Bas-Caraquet)*

*The International Railway General Offices in Moncton in 1913. (M.M. photo)*

*The class of 1900-01 of the Provincial Normal School. In unknown order, Patience Ballentyne, Stella Corruthers, Annie Valis, Pearl Currier, Lena Kearney, Florence Alexander and Lottie Gregg. (P.A.N.B. photo)*

*Staff of Peter McSweeney's store, Moncton's first department store, 1910. Note formal dress and the number of female employees. (C.E.A. photo)*

*Kate Thomah (nee Francis), a Maliseet, pictured in the 1940's selling baskets. (N.M.C. photo through Andrea Bear Nicholas.)*



Staff of T. Eaton Co. Ltd., Moncton, 1920. Note the large number of female workers including the staff nurse at the top of the steps. (M.M. photo)

*Workers in a lobster canning plant on the Miramichi, 1920. (E.M. Finn, photographer, P.A.C.)*

*A 1959 secretarial class at the Caraquet convent. Note the uniforms and the motto on the wall "Travailler, c'est prier" (Work is prayer). (Photo from Luce Chénard, Caraquet)*

Sunshine Bible Class"[282] both of Moncton, sent supportive petitions. Seven or eight delegations from around the province flocked to the steps of the legislature, including one sent by the W.E.A., all supported by the Women's Institutes, a provincial network of rural women.[283]

In June, the bill went into second reading in spite of the attempt of some assemblymen to put it over until the next session, and men and "women flocked in such numbers to the Halls of Legislation [to support the bill] that ...[they] had the Hall itself and the M.P.P.'s went to the gallery"[284]. The bill's passage began to seem truly imminent after two anti-suffragists, Tilley and Murray, made unexpected about-turns. They expressed strong support for the bill, claiming the women's war effort had earned them the right to vote. But political reasons may have caused these M.L.A.'s change of heart. Both Conservatives, they likely wanted to embarrass the Liberals which, as a party, did not support suffrage, although a Liberal had introduced the latest bill.

"Like a bolt from the blue",[285] the assemblymen killed the measure, 24 to 15.

Veniot was among those who had opposed the full enfranchisement bill. Once adamantly opposed to women's enfranchisement he had evolved to the point of accepting unmarried women into the voting ring and stated, "that before the end of another year that he might be pursuaded [sic] to vote for the full enfranchisement of women"[286]. He joined several other of the bill's opponents in a stalling tactic, suggesting that the measure be put off for yet another year. Frustrated by another example of this political game, a group of women apparently mobbed Veniot, symbol and practicer of these techniques, in a corridor of the legislature. Only after a struggle was he "rescued from his perilous position"[287].

This episode was recalled in 1919 when Liberal Premier Walter E. Foster, a businessman by profession, was told that if his government continued denying women the vote he, too, "would be the brunt of a female attack"[288]. The speaker predicted that once women finally obtained the "whiphand" [289] — the ballot — they could give Foster his life's "worst beating"[290] by soundly voting him out of office.

It had become obvious that for a government to continue delaying enfranchising women was to court, if not political suicide, at least political ridicule — and soon political losses. Anti-suffragists in the legislature had to begin reassessing their stand. The sudden converts to woman suffrage in the war years were seizing upon the old argument of women's purifying strength, backed by the recent example of women's war work. To these men, as to many

other people, women, with their "natural" nurturing bent, had somehow eased the horror and strife of war, as their caring hands knitted soldiers' socks and tended soldiers' wounds. If women were a source of strength and good during the war, then surely, these converts suggested, women could only be an even greater such source in provincial elections.

And so it was that, paradoxically, after the 1917 fiasco, the politicians were ready to concede that "the time had come",[291] that "the women's franchise in N.B. was inevitable"[292].

This came when the province's suffrage organization in Saint John had reached almost its lowest ebb. In 1917, it had suffered some internal strife when its president and vice-president resigned after the membership refused to endorse Prime Minister Sir Robert Borden's Union government.[293] Its new president, Hatheway, left the club virtually leaderless during much of the spring of 1918 when she was away in the United States. The W.E.A.'s sole lobbying effort of that year, and its last before the club's dissipation, was to send Mrs. H.N. Coates, its corresponding secretary, to interview Premier Foster in the early spring. Still playing the waiting game he said that he wished to postpone introducing a women's enfranchisement bill for yet another year. Upon learning what position she held in the club, he then took the liberty of insulting her, stating that he was at a loss "to understand how so clever a woman had been overlooked. Why had she not also resigned [as McGivern had done], been sent abroad [as Hatheway had been], or killed out of hand?"[294]

But in spite of himself, Foster had to act soon on enfranchising women. In March of 1918, Murray, leader of the Conservative opposition and once an avowed anti-suffragist, introduced a resolution calling the legislature to endorse women's suffrage. Fellow Conservative Tilley, another suffragist convert, seconded him. Their reasons for their actions were obviously political but they received the unanimous support of the assemblymen; even "lukewarm"[295] Foster had to concede to the principle of women's enfranchisement. The Conservatives then hoped to introduce a women's suffrage bill, but when Foster let it be known that if this were tried he would advise the lieutenant-governor to veto any such measure, the Conservatives desisted. Foster wanted the Liberals to receive full credit for introducing and passing the suffrage bill, and he promised that this would be done in the next session.

In 1919, he made good his promise, having the Attorney General, James P. Byrne, a lawyer representing Gloucester County, introduce the women's suffrage bill. A. Allison Dysart, a Liberal from Kent County, felt obliged to observe that "there are...women

who feel that the Province is now under an unpardonable disgrace in that such legislation was not brought down before."[296] Indeed, the issue of enfranchising women itself incited very little debate. However, one Conservative member, John Ray Campbell, a lawyer from Saint John, did voice the fear of admitting women into the seats of power. He was immediately assured that "The Bill did not go so far as to enable women to sit in the House as members".[297] To this Frank L. Potts, a Saint John businessman and a faithful suffragist, declared that "he did not know whether the Bill should be passed as a joke or not"[298], observing that:

> *The Government brought the measure in, not because it wanted to but because public opinion compelled it to take action.*[299]

Using the "women as purifiers" argument, he quipped:

> *The Government had made great talk of the necessity of house cleaning, yea by refusing women the right to be members of the House it was excluding the class best qualified to clean house.*[300]

But the government felt no need to heed Potts' argument. There had been no lobby to allow female legislators; the government sensed no obligation to legislate an unsolicited right, as clearly based in fundamental principle as it might be.

Francis J. Sweeney, a lawyer representing Westmorland County, could not resist a display of tongue-in-cheek chivalry. He suggested that "with the franchise extended to women an effort should be made to have elections take place in fine weather".[301] Evidently he was not taken too seriously.

The M.L.A.'s were almost ready to rubber-stamp women's suffrage when a proposal of drawing up a "special list of female voters" was made. The Liberals wanted to prepare a June list, prior to the regular autumn list, just in case such a list were to be suddenly required. Political games overrode the suffrage debate again. The Conservatives suspected that the Liberals, with the new list in hand, would call a snap election; (one recalls Prime Minister Borden doing just that to win the 1917 federal election with a newly enfranchised group of female voters). But members of both parties, while conceding that without such a list women could be denied their right to vote in the next provincial election and the proposed plebiscite on prohibition, agreed that the time required to prepare such a list would run into the autumn in any case. But the debate was not to end without such unenthusiastic comments on women's suffrage as those of Francis C. McGrath, a physician from Northumberland County, who remarked that:

> *He could see no need for haste or of putting the country in a panic and upsetting the revision of voters' lists to give women the vote. Women had been without it for centuries and women of the preceding generation had not asked for it, yet no great calamity had occurred.*[302]

On April 15, 1919, after almost half a century of debating the issue, New Brunswick legislators granted New Brunswick women the right to vote in provincial elections. At that late hour the suffragists had stolen from the scene, knowing that their urging was no longer needed to assure the bill's passage. They had done their part as best as they were able. The final debate was merely a formality, a testament to the decades of private and public lobbying in which two generations of suffragists had engaged.

**Why such a long struggle?**

In retrospect one wonders what took the legislators so long to accept and then enact the principle of women's suffrage. In fact, in 1895, Emmerson

> *predicted that future ages would regard with amazement the long struggle on the part of women for the simple right of personal representation which ought to be the birthright of every citizen under our constitution.*[303]

As suffragists in the legislature pointed out repeatedly, disenfranchised men had never had to petition for the right to vote and no one had ever petitioned against women's suffrage.[304] Indeed, in 1917 one exasperated suffragist politician declared that, "He could never understand why men wanted to dominate the whole situation [politics]" [305]. Why indeed did the suffrage debate last as long as it did?

The resistance to women's suffrage was bound up in two factors: women's perceived place in society and the political expediency of the issue.

**Women's perceived place in society** infiltrated almost every aspect of the anti-suffragist arguments. Upon tackling the issue of women's enfranchisement, the legislators had to thrash out the principles upon which the franchise had been based to ascertain how, in their view, women met the requirements of the principles.

The franchise had essentially been based on three principles: residency, property ownership and intelligence. Residency was an obvious criterion and a non-issue as far as female voters were

concerned. It simply required that voters live, or at one time at least own land, in New Brunswick to demonstrate the potential voter's interest in New Brunswick government as well as the voter's potential knowledge of New Brunswick issues.

Some form of property ownership or leasing of property had also been for most of the 19th century a criterion for the right to vote. New Brunswick took over 100 years to shake off the elitist form of representative government established in the province by Thomas Carleton. Even though the property criterion was done away with for men in 1889, suffragists in the House often argued that propertied women should be allowed to vote, even into the 20th century. In practice, however, most women were not property owners since most women married and until 1895 married women were limited in the way they could acquire and deal with property. Property ownership was therefore a poor method of enfranchising women.

Nonetheless, calls came from many quarters demanding that women with property be enfranchised, if not all women. Some demanded this because propertied women had equal voting qualifications as men, and some demanded it because the women's property should be represented.

Then there was the question of intelligence. Legislators had to be sure that voters were capable of making a sound and reasoned choice and that they were capable of acting as full citizens. When applied to women, this criterion brought into play the entire gamut of prejudices and beliefs regarding women's mental and physical abilities as well as their moral and psychological qualities. 19th and early 20th century society had very narrowly defined women's abilities and qualities, disallowing each woman any room to deviate from the standard norm or to progress beyond it. Society then placed women in a very special sphere, a protected one in which they would — presumably — excel. Given how deeply ingrained these attitudes were, only the most imaginative, inquiring and principled legislators could see the narrowness and unjustness of this sex-typing. The rest had to be convinced by dedicated suffragists, both women and men, who had not only the energy but the socio-economic privileges, the educational background and sometimes the professional status that would lend clout to their arguments (in a largely class society) and give them the needed time and money for their lobbying. The suffragists faced a long road of what we now call "consciousness raising".

Bound up in the concept of women's capabilities was the question of whether unmarried women were more capable of voting than married women. The law viewed single women as autonomous human beings in most matters and, as such, granted them many

of the same legal rights as men. But it did not view married women in the same way. Rather, the law considered that upon marriage a woman abandoned her individual legal rights and became absorbed under those of her husband. Although full separate property rights had been established for married women by 1895, they were still without many civil and legal rights. Arguing in circles, the anti-suffragists and nominal suffragists declared: since a married woman has few legal rights why should she have any civic rights? Since the husband had the legal rights, the anti- suffragists believed that he also by extension had the couple's political voice.

So bound up in the husband was the wife, in the anti-suffragists' view, that even if she were given the right to vote she would most surely vote as her husband, doubling the vote needlessly so to speak. Some suffragists used this argument to their advantage saying that women, inherently virtuous and morally upright, would double the vote only for the socially good causes, ensuring social progress. One suffragist, mocking the belief that a woman upon marriage could no longer think independently, queried, tongue-in-cheek, how a woman's intelligence by the simple act of marriage suddenly "sank below par".[306] Both suffragists and anti-suffragists also spent many hours arguing the unfairness of enfranchising single women and then disenfranchising them upon marriage. These legislators predicted that single women would refuse to marry, creating social unrest. Better not to enfranchise them at all....

The most adamant anti-suffragists also displayed a fear of the implications of women's demands for voting rights. The possibility of women extending their movement into the political sphere beyond the right to vote terrified the staid conservatives. They foresaw the destruction of the family and the downfall of society as women began seeking full participation in political debates and party politics, began running for public office, and finally, began participating fully in the larger public sphere. Anti-suffragists, afraid that if they granted women a millimeter that they would grab a 1000 more, did not want to budge at all.

**Political expediency** also accounted for some of the delay in legislating women's right to vote. Women's suffrage was not a hot issue. It never truly became a partisan issue which suggests that neither major party in New Brunswick saw advantages to making it its own. After all, all the voters were men. Moreover, the members in both parties shared a diversity of opinion on women's place.

Then there was the perennial conservative question: "has it been done before?" In the early years of the debate anti-suffragists

declared that there were no political models upon which to base women's suffrage. Anti-suffragists repeatedly voiced a fear of the unknown, insisting that New Brunswick could not embark on the untried, nor lead public opinion. In 1894, Alward, impatient with this staid attitude, declared that:

> *He was surprised that the leader of the government should advise us to wait upon the action of other countries. Had the house no reliance in itself that it was afraid to trust itself upon the untrodden ways of legislation? If that principle was adopted in all countries no great reform would ever be accomplished.*[307]

A year later Pitts boldly asserted that:

> *he favored radical legislation when it was right legislation — when it was just and honest legislation.*[308]

To no avail.

When, as early as the 1880's, the anti-suffragists were presented with political models which happened to be from western American states, the anti-suffragists declared that these places were crude, rude, barbaric and uncivilized,[309] that New Brunswick should not go to the "wild and wooly west for precedent".[310] Ignoring such early examples of women's enfranchisement in the Isle of Man (1881),[311] New Zealand (1893) and some Australian states (1902), the anti-suffragists labelled women's suffrage as "unBritish"[312] and therefore unacceptable.

Indeed it seemed, at least to the suffragists, that any excuse under the sun was legitimate to their opponents as long as it stalled the dreaded women's enfranchisement measure. Justice was pitted against political expediency. On two occasions in particular were stalling tactics especially evident: in 1899, in the wake of the first wave of suffragist sympathy, and in 1917 when public favor had again reached a peak. Somehow, in the face of all the agitation, the anti-suffragists needed a little extra push, an argument to grab on to in order to save them the embarrassment of admitting that they had been wrong. They needed an argument that was widely accepted by the population, a national rationale. And in the face of much favorable public opinion they needed a little time to sound out the population to find the least embarrassing option.

In the 1890's, suffragist converts had only the very popular women's goodness argument to which to turn and to it they did. Those who wished to continue stalling could keep lamenting that there were not enough international examples. But by 1917, anti-

suffragists could no longer honestly declare that women's suffrage had not been tried. Nationally and internationally it was becoming the norm. New Brunswick was going to be left behind. As suffragist convert Phinney had rightly declared in 1894: "If legislators do not lead public opinion they are forced forward by it."[313]

In the same year Pitts had predicted that, "The statesman who opposed woman suffrage would soon feel the chariot wheels of progress roll over his neck."[314] Twenty-five years later politicians sensed the approaching wheels and began scrambling to get out of the way before they wrought their political damage. Left and right, anti-suffragists were leaping to safety declaring that women's role in the First World War had convinced them that women could handle life in the political arena. They had found their national rationale.

The suffragist converts' claim that their change of heart was due to women's war efforts remains suspect. The war was not "the great watershed"[315] that whisked women from the kitchen to the great wide world of social and professional opportunities. Increasing numbers of New Brunswick women had long before the advent of the war worked outside the home and engaged in voluntary social reform and suffrage work. Anti-suffragists could not have honestly denied that fact; they merely slid over it, declaring that at last they saw the light because women with all their gracious patient womanly traits, had aided in the war effort, had eased the worst horror man could ever inflict upon himself. Underneath all the novelty of the argument was the ages-old view that "woman brings good to the bad".

It cannot be denied, however, that the devastating effects of the First World War did encourage societies to question their old value systems, to rethink issues of social justice; the women's suffrage movement, along with other social movements, benefited from this universal reappraisal.

As well as the ideological and political reasons for the resistance to women's suffrage, there were tactical deficiencies within the suffrage forces themselves which weakened the cause. A lack of coordination existed among the suffrage forces both inside and outside the legislature. Since women's suffrage was never truly a partisan issue, suffragist politicians argued individually in support of women's enfranchisement. Some pointed to principles of justice and democracy, some to women's "innate" purity and virtue, others to their proven intellectual and administrative abilities. And some, for different reasons, argued for partial women's enfranchisement to the glee of anti-suffragists, who pointed to the seeming lack of commitment.

Suffragists outside the legislature also had different reasons for allegiance to the suffrage cause, different socio-economic and ideological backgrounds. These differences did not encourage a collaborative long-term lobbying effort among the various groups of suffragists and suffragist sympathizers, groups such as the W.E.A., W.C.T.U., L.C.W. and others. Geography and limited financial resources also contributed to the separation of the groups. In spite of the divisive factors, large lobbying efforts were launched on numerous occasions by the W.C.T.U. and on several occasions by the much smaller W.E.A., testifying to the great energy and dedication of the women.

In sum, women won the vote in New Brunswick only after a long and committed lobby. International and national acceptance of their cause helped sway the staid "provincialism"[316] resisting their demands, and their war efforts gave diehards a "tidy excuse"[317] to capitulate finally. But the great energy of the movement came from the New Brunswick suffragists who would not relent.

## After the vote

The period following the granting of women's suffrage did not bring about the utopian changes the W.C.T.U. and other ingenuous groups had hoped — changes such as worldwide prohibition and women voting in blocks for social good and social progress. The more astute suffragists had known all along that legislating women's enfranchisement was only a small step in a long road to gaining equal rights for women. Indeed, once the more shrewd anti-suffragists had begun sensing that women would vote as disparately as men, that women voters would not significantly alter established voting patterns, then the anti-suffragists ceased fearing the women's vote.[318]

In New Brunswick, as had occurred at the federal level, the party which brought in women's suffrage (in New Brunswick the Liberals) won the next election. Women were recognized as an important addition to the electorate (certainly their very numbers warranted such consideration) and politicians appealed to them for political allegiance.[319]

But once women had been granted the right to vote, the suffragists' energies seemed to dissipate. Women had lost one of the few straightforward issues upon which they could all agree,[320] one of the few issues which clearly disabled each and every woman 21 years of age and over. A new deeper level of political, social and economic inquiry regarding women's status had to filter through the masses before women would again in significant numbers agitate politically. Between the 1920's and

the 1950's provincial and national economies ranging from stable, even prosperous, to depressed, did not encourage women to analyze or question more deeply their social, political and economic status.

However, the women's suffrage movement did not go completely without aftereffect. The federal government consulted women on their concerns the year it granted all women the vote: 1918. It would do so again periodically and involved New Brunswick women in its major consultations with Canadian women in 1943 and 1967.

The 1918 War Committee of the federal government's Cabinet invited a select group of women from all over Canada to a Women's War Conference in Ottawa. They were to help the War Committee make recommendations on such things as women's relationship to increased agricultural production, commercial and industrial occupations and the conservation of food. Four New Brunswick women were named as delegates: the Countess of Ashburnham of Fredericton, Grace Jones of Woodstock, Mrs. J. McAvity and Mrs. G. F. Smith, both of Saint John. In 1919, the same government created a Women's Reconstruction Committee to help the government find ways to set Canada on the right path after the war. No New Brunswick women, in fact no Maritime women, were named to this Committee.[321]

In 1943, Margaret MacKenzie, a woman from Fredericton active in community affairs, was among 10 Canadian women appointed to the Subcommittee on the Post-War Problems of Women. A lack of commitment by the Liberal government of Prime Minister Mackenzie King and a lack of public support in general let the Subcommittee's report collect dust.[322] Many of its recommendations would be restated over a quarter of a century later by the Royal Commission on the Status of Women in Canada.

In 1967, the federal government appointed the Royal Commission on the Status of Women in Canada, headed by Florence Bird. Doris Ogilvie, a Fredericton lawyer and deputy judge, was a Commission member. Several New Brunswick women and groups submitted briefs. The Commission tabled its lengthy report in 1970. Its 167 recommendations sent shock waves through Canadian political institutions as lawmakers and laypersons faced the facts of discrimination against women.

This round of consultations coincided with the growing Canadian women's movement. Everywhere, women were meeting to discuss their political, social and economic status. In 1974, New Brunswick women organized a provincial conference called New Perspectives for New Brunswick Women which

resulted in some 300 recommendations. An ad hoc committee under Dorothy Power-Lawson, a Moncton type-setter and computer operator, and Corinne Gallant, a philosophy professor at the Université de Moncton, formed with the mandate of seeing to the creation of a provincial advisory council on the status of women. Both the Bird Report of 1970 and the provincial conference recommendations of 1974 had recognized the need for provincial advisory councils on the status of women since historically governments had been slow, haphazard, noncommital and even resistant in addressing issues affecting women.

The ad hoc committee drew up and presented a bill for an advisory council to the provincial government. In December 1975, during International Women's Year, the New Brunswick government passed an act to create the New Brunswick Advisory Council on the Status of Women, but not until December 1977 did the government appoint the first Council, after a strong women's lobby. Madeleine Delaney-LeBlanc, was named the Council's first Chairperson. She had been active in various community affairs and women's groups and had worked as a teacher, nurse, television host and translator. She remained Chairperson until 1985.

The creation of the New Brunswick Advisory Council on the Status of Women marked the beginning of a new voice of women's influence in the political sphere. The lobby for it had matched the intensity of the suffragists' work of sixty years before. As Ella Hatheway had written of woman in 1912:

> *Now she is rising to an appreciation of herself, and with her new self-respect she is demanding recognition as a human being.*[323]

Because of the infrequency with which governments officially consulted women regarding their concerns and because women did not form large united political lobbies in the years following women's enfranchisement, New Brunswick women's political status advanced only slowly. Further, their advances were sometimes met with backlash.

1919: Minnie Bell Adney, a music teacher from Woodstock, attempts to run for Parliament as a Conservative in the riding of Victoria-Carleton. She files her nomination papers but her name never appears on the ballot. She accuses her solicitors of having accepted bribes to ensure that her nomination files were lost.[324]

1921: legislators pass an act giving all women the same municipal voting privileges as men. All property owners regardless of sex and marital status can vote.

1925: Minnie Bell Adney again attempts to win the parliamentary seat of Victoria-Carleton. Running as an Independent with a strong conservative platform, she draws 84 votes, not a bad showing against running mates Conservative James K. Flemming, who had served as premier between 1911 and 1914 and the Liberal incumbent Thomas W. Caldwell.[325]

1925: women married to ratepayers become eligible to vote and hold office in rural school elections.

1926: *L'Evangéline's* editor Alfred Roy makes this front-page editorial comment:

> *The vast majority of Acadians, I do believe, would have no objection to the repeal of the law which gives women the right to vote. Although we are not well acquainted with the opinion of the English majority, we do know very well that many of our English-speaking friends consider this law without merit.*[326]

1932: *Le Fermier Acadien* publishes an anonymously written article entitled "For or against the vote for women".[327] The article reclaims women's, and in particular francophone women's, place in the domestic sphere. Woman, the article affirms, is the guardian angel of the home; there she reigns with grace, gentleness and love. Those who encourage her to look in directions contrary to her saintly mission be wary, for they strip her of her prestige, influence and respect by making apparent her physical weaknesses. Superior to man with her tenderness of heart and spirit, claims the article, woman is his inferior in all things which involve the vigor of the body and creative intelligence; women should be nowhere in the public sphere, not in the seats of Parliament, not in the halls of justice, not on the police beat, and not in the polling booths. This after women had had the provincial franchise 13 years. The article incites no response, suggesting that the newspaper's readers are either in complete agreement or that they think the article's ideas so outmoded as not to be worth a rebuttal.

1934: after being heavily petitioned by the province's Women's Institutes, former anti-suffragist Tilley, now premier, introduces a bill which allows women to hold provincial office, as well as vote. All the other provinces (except Quebec where women must wait until 1940) had simultaneously granted women the vote and the right to hold office.

1935: New Brunswick has its first female candidate in a provincial election, Frances Fish, a well-known lawyer from Newcastle. She runs for the Conservatives in a strongly Liberal

riding. The four Liberal candidates who run in her constituency win; it is still the period when several candidates are elected from one riding. She places a respectable first among the four losing Conservatives.[328]

1944-45: a study group of Fredericton women begins examining the municipal voting regulations. Since these stipulate that only propertied persons can vote, homemakers, almost always propertyless, cannot. Women who rely on municipal services just as much as men, are disproportionately disenfranchised by the property stipulation. The study group, which had been actively mounting petitions, approaches Muriel Fergusson, a well-known lawyer, to draft a brief to present to the Fredericton city council, urging a change in this voting criterion. She agrees and in her research discovers that in all provinces west of Quebec women and men without property can vote in civic elections. Her brief and the study group's recommendations meet with the city council's approval. The city informs the provincial legislature of its new position; an act is passed and in 1946 propertyless women can at last vote in Fredericton city elections.[329]

1948: Edna Steel becomes the first woman elected to municipal office in New Brunswick when she is elected to the Saint John city council.

1948: Gladys West, a homemaker and hairdresser from Queens County, running for the Cooperative Commonwealth Federation (C.C.F.), becomes New Brunswick's second woman to run for provincial office. She gains 4.5% of her riding's vote, [330] a respectable showing for the C.C.F.

1949: Fredericton women gain the right to hold civic office, after lobbying by the new Local Council of Women.

1951: Muriel Fergusson, who had become in 1947 the province's first Regional Director of Family Allowances, becomes Fredericton's first alderwoman. She is reelected in 1953, and becomes the city's first female deputy mayor.

1951: the federal *Indian Act* is amended, allowing Indian women on reserves to vote in band elections and to hold office on band councils. Six months later, in November, Irene Bernard is elected to the band council of the Tobique Reserve.

1952: Louise Paul and Marion Gabriel are elected to the band council of Saint Mary's Reserve.

1953: Muriel Fergusson is appointed to the Senate, the first woman from the Atlantic provinces.

1956: Jean Adams, a research scientist, is elected to the Fredericton city council, only the third woman to hold municipal office in New Brunswick.

1963: Indian women and men living on reserves are given the provincial franchise.

1964: Margaret Rideout, a Liberal running in her deceased husband's riding, becomes the first and as yet only woman from New Brunswick to be elected as a Member of Parliament.

1966: age and residency become the only criteria for voting in municipal elections. Since 1961 the Saint John Council of Women has been a major lobbier on this issue. Homemakers hitherto disenfranchised if they were not taxpayers can finally vote; they do so for the first time in 1967.[331]

1967: Mathilda Blanchard, a hairdresser and union organizer originally from Caraquet, becomes the first new Brunswick woman to run for the leadership of a provincial party, the Progressive Conservative Party of New Brunswick.

1967: Christine Young, a hairdresser from Carleton County, becomes the first Liberal woman to run as a candidate for the New Brunswick legislature. She is unsucessful.

1967: Brenda Robertson, a home economist from Riverview, wins a seat for the Progressive Conservatives in the provincial election.

1967: Marion Upton, an office manager from Minto, becomes the first female mayor in New Brunswick. She quips, "I hope I'm not the province's last."[332]

1970: Brenda Robertson becomes the first woman in New Brunswick appointed to Cabinet, assuming the responsibilities of Minister of Youth and in 1971, the added responsibilities of Minister of Welfare. She later serves as Minister of Health and Minister of Social Program Reform.

1971: Margret LaBillois, a homemaker, is elected chief of the Eel River Bar reserve, the first Indian woman in New Brunswick to hold that position.

1972: after nearly 20 years as Senator, Muriel Fergusson becomes the Senate's first female speaker.

1974: Shirley Dysart, a teacher, becomes the first female Liberal M.L.A., when she wins Saint John Park.

1978: Mabel DeWare, a manager of a dental firm wins Moncton West for the Progressive Conservatives and becomes the province's second female cabinet minister, as Minister of Labour and Manpower. She later serves as Minister of Community Colleges.

1978: Nancy Clark (now Clark Teed), a personnel consultant representing the Progressive Conservatives in Saint John South, becomes the fourth woman elected to the provincial legislature and in 1982 becomes the province's third female cabinet minister, as Minister of Social Services.

1978: Margaret J. Anderson, a businesswoman from Newcastle, becomes the second New Brunswick woman to be appointed to the Senate.

1978: Gail Walsh, a Dalhousie social worker, is elected president of the New Democratic Party of New Brunswick, the first woman.

1979: Caraquet resident Louise Blanchard, trained as an arts teacher, is elected leader of the Parti Acadien, the first female leader of any political party in New Brunswick.

1983: Elsie Wayne, who had served six years as councillor, is elected mayor of Saint John, the first female mayor of a New Brunswick city.

1983: Janice Clarke, a hotel and restaurant proprietor from Sussex, is elected president of the Progressive Conservative party of New Brunswick, the first woman.

1984: Brenda Robertson is appointed to the Senate, the third New Brunswick woman to be so honored.

Although women in New Brunswick have made small inroads into the seats of power in the province, the actual numbers of those who have run and those who have been elected remain a fraction of the numbers of men. Women in power in New Brunswick in 1985 are a tiny minority.

Numerous factors have been attributed to women's continued underrepresentation. Only very recently have women in significant numbers been entering the professions most associated with political careers, professions such as law and business. Women still carry most of the child care and household responsibilities, leaving little time and energy for political pursuits. And significant numbers of women have only very recently begun building business relations and networks that are key to financing campaigns.

As attitudes evolve and women are able to share more equitably in both public and family responsibilities, women will also one day assume their rightful equal place in the political sphere. But much will have to be done to bring that day closer. At the present rate it could take women 348 years to be equally represented in the New Brunswick legislature. Can New Brunswick accept to wait that long for power to be balanced by sexual equality?

# Chapter II
# "And Justice I Shall Have": Women and Legal Rights

From its inception, New Brunswick followed the English legal tradition, in doing so displacing the legal heritage of the other non-British groups in the province: the aboriginal people, the reestablished Acadians and other immigrants of European origin, such as the Germans. Like all law, English common law reflected attitudes towards women which were narrow and riddled with misconceptions and prejudices. As those attitudes slowly changed, so did the law.[1]

Common law evolves in two ways: through case law and through statute law. Case law evolves as judges interpret the law; their written decisions form precedents by which to decide future disputes. Statute law, or acts of legislation, change as lawmakers rewrite legislation, often as a result of a change in public opinion. Judges in turn interpret these new statutes, furthering the evolution of the law. Women's legal rights are therefore much dependent on the attitudes of judges, legislators and society. Since early New Brunswick, legal opinion has reflected women's restricted place in society in general and women's highly restricted place in society when married.

## Single women

In New Brunswick, as in the rest of Canada, single women have always enjoyed many of the same legal rights as men. They could always own and manage property in their own name, enter into contracts and own and operate their own businesses. Their civic rights were limited, although less so at times than for married women.

However, in spite of their many legal freedoms not shared by their married sisters, single women were still subject to society's limited views regarding women's capabilities, potential and place. Opportunities for work began expanding for women, particularly single women, in the late 19th century but only in certain sectors of the labor market deemed appropriate to the "innate abilities" of women. Except in the special case of nuns and perhaps midwives, work for single women was considered by society something to be done only when in extreme need and only while awaiting marriage. Societal pressures also encouraged single women to leave paid employment to care for elderly parents, sick relatives or to help with the rearing of young nieces and nephews — work which carried less status than the work of married women and which offered little or no remuneration.

Given the limited work options for single women, the many social pressures to marry and the idealization of marriage, it is not surprising that most women accepted marriage as a preferable alternative to single life, in spite of the legal disabilities marriage placed on women.

The law as it dealt with single women focussed on a woman's relationship to a man just prior to marriage, or while in a relationship not sanctioned by law, like a common-law union.

Until 1983, a minor who wished to marry needed the father's consent. The mother's consent was acceptable only if the father was deceased or otherwise unavailable. Since 1983, both or either signature has been required.

Upon promising to marry someone, a woman entered into a legal contract, most likely unaware that if she broke that promise she could be sued by her betrothed for breach of promise. This state of affairs, dating back to 1638 in English law, still exists in New Brunswick, although it is rarely used. It reflects a prefeudal concept of marriage in which engagement signified the family's sale of their daughter to her husband-to-be.[2]

## Common-law unions

In spite of societal pressures to marry, a few women entered into common-law unions. These were recognized as common-law marriages if the couple openly declared themselves wife and husband; if they met all the requirements necessary for an actual marriage; and according to one interpretation in New Brunswick,[3] if their union had been celebrated by a minister. Otherwise these unions were viewed in law as forms of cohabitation and not common-law marriages per se.

Until 1980 in New Brunswick, a common-law husband was not considered financially responsible for his wife (unlike a legal husband). With the enactment of the *Family Services Act*, unmarried couples who have been together three or more years or who have had a child and lived together one year are viewed as spouses; each is responsible for his or her own needs and those of his or her partner in as much as each is able.

If a partner in a relationship can establish dependency, she or he may be able to benefit as a legal spouse would from the *Worker's Compensation Act* (since 1918) and the *Compensation to Victims of Crime Act* (since 1971). Since 1969, the common-law spouse (together with the legal spouse) has been eligible to receive a survivor's pension from the Canada Pension Plan. However, the *Superannuation Act* of New Brunswick, which regulates the pensions of provincial civil servants, has never recognized partners outside of legal marriage.

Unlike legal spouses, common-law spouses cannot inherit money from their partner unless a will has been left specifying inheritance and in the case of a breakup of the union, no law provides for an equitable sharing of property accumulated by the unmarried partners during their relationship. The *Marital Property Act* of 1980, unlike similar acts in other provinces, did not include common-law partners and so, in the event of a dispute on property division, each partner must show he or she helped pay for purchases.

## Women and childbearing

In 1792, New Brunswick passed *An Act to Provide for the Maintenance of Bastard Children*. The act began with the observation that provincial parishes needed to be protected

> *from the great charges frequently arising from Children begotten and born out of lawful Matrimony.*[4]

The number of children born out of wedlock was apparently

straining parish purses and something had to be done. The act required that the single mother of a baby likely to become "chargeable to any Parish" declare the putative father. He risked being sent to jail, and could be required to pay a sum to cover the costs of the childbirth and child support.[5]

How frequently and what classes of single women used this law in New Brunswick is not known. What is clear, however, is that it did not adequately deal with the myriad of problems of single women who became pregnant. Many such women continued seeking other solutions to their problems. Some were forced into marriage. Some sought to terminate their pregnancy. Some resorted to infanticide.

Evidence suggests that infanticide and abortion were "far from uncommon"[6] in 19th century Canada and there is no reason to believe that they were any less frequent in New Brunswick. For example, the early 19th century correspondence between Roman Catholic missionaries in Caraquet and their bishops notes the occurrence of infanticide and abortion in their parishes.[7] It was not until 1869 that the Roman Catholic Church began considering abortion equivalent to murder and excommunicating those who procured an abortion.

Early annotations in the *Criminal Code* observed that:

> *Women have been known to employ some of the most extraordinary means to procure abortion; such as violently rolling down hill, throwing themselves downstairs, or out of window, submitting themselves to be laced with extreme tightness, or even to be trampled on and kicked on the abdomen....*
>
> *Amongst the drugs generally used to procure abortion might be included almost every known purgative, and almost every drug or herb which has medicinal properties....*
>
> *Amongst the mechanical instruments and contrivances which have been used in procuring abortion may be mentioned pointed sticks and wooden skewers, syringes, catheters, guarded stilettos, forceps, long knitting needles, and steel claws, the latter being worn on the fingers, for the purpose, as it seems of penetrating the membranes or tearing the embryo.*[8]

Although through the years, women have sought the option of having an abortion, it is only recently that women have been able to receive a safe one. In the past,

methods were crude and dangerous and part of the intent of early laws against abortion was likely to prevent the deaths of these women.

In 1810, following on the heels of Britain, New Brunswick passed *An Act for making further provisions to prevent the destroying and murdering of Bastard Children, and for the further prevention of the malicious using of means to procure the miscarriage of women.*

A woman who in a despondent state killed her new-born illegitimate child was to be tried as a murderer and, if found guilty, sentenced to death. A woman found guilty of hiding the body of her illegitimate baby to conceal its birth was to be sentenced to two years in prison. This provision could be used by a jury if it could not find a woman guilty of murdering her child. Indeed, British juries, when faced with the case of a mother who had killed her baby, would not convict her on the murder charge and British judges began protesting against a law that required the death sentence which everyone knew would not be carried out.[9] Similarly in New Brunswick few convictions were recorded.[10]

Anyone found guilty of "wilfully, maliciously and unlawfully" administering a noxious poison or other destructive substance to a woman quick with child (pregnant with a child that has begun to stir in the womb) with the intent of murdering that woman was to be sentenced to death. Lawmakers seemed to fear that women risked death at the hands of a lover afraid a pregnancy would cause him to lose social station.

Anyone found guilty of unlawfully administering a poison to cause the pregnant woman to miscarry was also to be sentenced to death. It has been suggested that the term "unlawfully" as used here implied that there were circumstances in which abortion was considered lawful. In fact, in 1846, British law commissioners were to recommend a clarification of British abortion laws to allow abortion to save the life of the mother.[11]

By 1854, the crime of infanticide had disappeared from the books in New Brunswick; the only way the law dealt with the act was through the provision against concealing the body of a baby. Also by 1854, someone who procured a miscarriage was liable to 14 years in prison and not a death sentence, again probably because convictions were otherwise difficult.

With the 1869 federal *Act Respecting Offences Against the Person*, the sentence for a woman found guilty of "unlawfully" causing herself to miscarry and for someone who aided her could range from one day to life imprisonment. When the *Criminal Code* was enacted in 1892, anyone causing the death of a child before or after delivery to save the life of the mother was not guilty of a criminal act. But a woman found guilty of attempting to abort herself was liable to seven years in prison and whoever helped her do so, whether she was pregnant or not, was liable to life imprisonment. Again the provisions used the term "unlawful" in the same way as earlier acts.

Over the decades, the *Criminal Code* changed but little. By mid-20th century, the sentence of a woman guilty of attempting to cause herself to miscarry was reduced from seven to a maximum of two years, and a woman who failed to seek assistance in childbirth so that her baby would likely die became liable to five years in prison. Following the example of Britain, Canada added infanticide to the code in 1948 as a special crime. The killing of a newborn child by its despondent mother was not viewed as murder since in the past juries had balked at convicting on that charge. Instead the crime was called infanticide and still carries a maximum sentence of five years.

In 1955, the term "unlawfully" no longer appeared in the abortion provisions of the *Criminal Code*. The law was then interpreted by some to mean that abortion was not to be allowed under any circumstances, not even to save the mother's life. It has been suggested that this situation led the Canadian Medical Association to favor the reform of abortion laws.[12] Members of the medical profession had long said it was sometimes necessary to perform an abortion to save the mother's life.

In 1969, Canada was again to follow the example of Britain after the lobbying of many women and permit abortions under certain circumstances. The British law allowed abortions when the pregnant woman's life or health was in danger, when she risked giving birth to a severely handicapped child, when she was socially or emotionally unable to mother the child, when she was under 16 or when the pregnancy had resulted from a sexual assault. The Canadian amendments were less specific. Canada allowed therapeutic abortions when a therapeutic abortion committee of an accredited hospital or clinic found that the continuation of the pregnancy would endanger the life or health of the woman. Controversy has arisen regarding the scope in meaning of "life and health". Many women's groups have lobbied to have the abortion provision removed from the *Criminal Code* so that the decision to have an abortion would be a private matter between the woman and her doctor. Other concerned

groups have lobbied to retain the laws as they are or to amend them to prohibit therapeutic abortions for any reason.

*Contraception*

Methods of contraception have ancient roots. The aboriginal peoples are known to have used medicines to prevent pregnancy.[13] Western societies were no less interested in contraception and used various birth control methods and devices. Birth control became greatly debated in Britain and the United States in the 19th and early 20th century. Canada reacted to this debate in 1892 by making the advertisement and sale of contraceptive devices illegal, except when done in the public interest. This ban remained in Canada until 1969, although in practice only the ban on advertising was effective.

*Midwifery laws*

Until 1981, there was no law in New Brunswick to regulate or prevent the practice of midwifery, although midwifery was recognized in the *Medical Act*. In 1981, a new act prohibited the practice of midwifery in the province, putting an end to a profession that had served families for centuries.

**Single mothers**

A woman who bore a child outside of wedlock had, by the very early days of the province's existence, a form of recourse for child support from the father with the *Act to Provide for the Maintenance of Bastard Children* of 1792. This manner of seeing to the financial needs of the "illegitimate" child remained more or less intact through numerous revisions and new enactments of similar laws until 1980. Then, with the enactment of the *Family Services Act*, the whole concept of illegitimacy was abolished and both parents of a child became responsible to provide for his or her support inasmuch as they are able.

At common law, "illegitimate" children were considered fatherless and therefore unable to inherit from their father unless his will specified the illegitimate child's name. Being without a father, the "illegitimate" child was viewed as the property of her or his mother. She therefore had custody of the child and bestowed her surname on the child. Under the *Vital Statistics Act* of 1979, as previously under the *Health Act* (since 1952), the single mother had (and still has) the choice of giving the child her own surname or, with the father's acknowledgement and consent, his. This is a choice that married women in New Brunswick do not have under the *Vital Statistics Act*, although legislative reform is pending. Legislation prior to 1952 had not specified how parents,

whether married to each other or not, were to surname their children. The father's name was given by custom and common law.

Until 1980, the single mother could place her child for adoption without the father's consent. With the *Family Services Act*, it was specified that if the father acknowledged his paternity or declared himself the child's father in court, he must give his consent to an adoption.

The single mother's lot is difficult. Current issues such as the availability of affordable housing, of high quality day care, and of flexible working hours touch the day-to-day lives of single mothers who are trying to make a living or upgrade their education. The years when the extended family was nearby and able to help the single mother are disappearing. Although the stigma attached to having a child out of wedlock or being a divorced parent is slowly dying, the financial and personal costs exacted on the single mother are still high. Reform of services will help the single mother who has few options to gain control over her personal and professional life.

**Married women**

Most women marry; this has always been so. Thus the legal strictures which limit married women affect most women. In the 17th century, canon law became incorporated into English common law. The biblical concept that upon marriage a woman and a man become "one flesh" was translated into a legal concept which we know as "unity of legal personality". In the eyes of the law, wife and husband are one. In practice, legal and civic rights could be given to only one of the two. Since society viewed the male as superior, those rights were given to the husband. When a woman married, her separate legal identity merged with her husband's and she became invisible.

At common law, the married woman could not enter into contracts with anyone nor sue or be sued in court. She had no right to own, control or manage property. She did not even legally own her own clothing, nor could she control her personal earnings. If children were born of the marriage, the married woman had no legal right to their custody, to overseeing their education or to choosing their religious upbringing. When apprenticing was still practiced, the father had the exclusive rights of deciding upon his child's apprenticeship. The father was also the first heir to his children's property.

The common-law tradition viewed marriage as a union where the wife was duty-bound to give her husband certain sexual and

domestic services and to bear and raise his children. In return, her husband was to ensure her financial security.

Until 1985, common law also protected the husband against loss of his wife's services. These rights were with respect to "criminal conversation", "enticement", "harbouring" and "loss of consortium".

*Criminal conversation:* if criminal conversation (relations between a wife and a third party) was deemed to have occurred, the husband had the right to sue his wife's lover for compensation for the actual value of his wife and for injury to his feelings, honor and family life.

*Enticement:* this was an action for compensation that a husband could take against a person who enticed his wife to leave him, thereby causing the loss of her services.

*Harbouring:* a husband could sue a third party for sheltering his runaway wife. This did not apply if it could be proven that his wife was in need of protection.

*Loss of consortium:* should a wife be injured, as in a car accident, a husband could sue the third party who caused the injury for "loss of consortium", that is for loss of the sexual and domestic services of his wife.

A wife was entitled to none of these actions for compensation should she have lost the services of her husband.

Until 1985, a woman, unlike a man, lost her right upon marriage to choose a separate domicile (a legal term for a permanent residence). If her husband changed his domicile, for example to accept a new job, she and their children were to follow him or she risked being considered a deserting wife or mother. If the married woman's job required her to move, however, her husband did not have to follow.[14]

*Wife assault*

Until the late 19th century, common law gave the husband the right to beat his wife, to "discipline" her if she disobeyed his demands. During that century, the law had begun to evolve suggesting that a husband did not actually have a right, but that if he did beat her, he was not to endanger her life or health.[15] In an 1863 divorce case, argued on the ground of cruelty, the presiding New Brunswick judge stated that neither blows provoked by the wife's insulting remarks nor the husband's exercising marital

authority to restrain the wife's contact with her own family were cruelty. In dismissing the suit, the judge added that the wife "was too independent of her husband's wishes to be consistent with that subordination and obedience which is due from a wife to her husband".[16]

Since common law had created the concept of "interspousal immunity", a woman could not sue her husband for a wrong (called a tort) he should do her. Although in 1895, with the *Married Women's Property Act*, married women were given the right to sue their husbands for damage to personal property, they remained, and remain until this day, unable to sue their husbands for personal injury, except as of 1985 in the case of a car accident. If a husband should break his wife's nose and glasses,she may sue him for the broken glasses but not her broken nose. This is not the case between persons not married to each other.

Between 1909 and 1965, wife-beating was a special crime carrying a sentence of up to two years in jail and a whipping; the victim had to suffer "actual bodily harm", although assault normally meant the intentional use of force against another, regardless of actual physical injury.[17] Assault in the current *Criminal Code* embraces wife assault. But only in the 1980's have New Brunswick's police begun treating wife assault as they would any assault case, that is, by charging the alleged assaulter if there is adequate evidence. Until now the battered wife has had neither the recourse of the civil legal system nor the cooperation of the law enforcement system.

Since common law had created the concept of "unity of legal personality", it was deemed impossible for a husband to rape his wife, for how could one rape oneself? Also, a wife was duty-bound to accept whatever sexual demands her husband placed on her and she could be forced to submit to her duty if she resisted. The act of rape is now seen for what it is: a violent assault. In legal terms rape is now called sexual assault to reflect its fundamental basis in violence. In 1983, the *Criminal Code* was amended to add the new offences and sentences and to acknowledge the possibility of sexual assault perpetrated by a marital partner.

*Rights to children*

Until the enactment of the *Family Services Act* in 1980, New Brunswick had always adhered to common law which allowed mothers no legal right to the custody of their children. Even with the *Supreme Court in Equity Act* of 1890, which enabled mothers to gain custody of children under 16, courts were "still resigned to the paramount rights of the father"[18] as late as 1975. Often

however, the mother was given the children in a custody suit because the father did not ask for custody. In the 1940's and 1950's, popular sentiment held that a child was best with his or her mother. In the 1970's, courts began to take the view that a form of shared custody was preferable.[19] The *Family Services Act* codified this new view. Now neither parent is automatically considered as the custodial parent.

*Being a "next friend"*

Until recently, courts sometimes questioned whether a married woman could act as a "next friend" (a person who acts in the interests of an infant or a mentally incompetent person who is the plaintiff in a legal proceeding) or as a guardian *ad litem* (a person appointed by the court to defend an action on behalf of an infant or a mentally incompetent person). This limitation on a wife's legal capacities was not derived from common law but was "merely one of the practices adopted by the Courts".[20] In 1985, legislation bringing New Brunswick laws in line with the *Canadian Charter of Rights and Freedoms* did away with this question once and for all.

*Property*

The aspect of a married woman's legal rights which most quickly evolved in New Brunswick was that of her property rights. Common law had developed the view that a woman's property became her husband's upon marriage although this was tempered by what is known as equity. Equity courts allowed a wife to own some property separately from her husband, but it had to be held in trust. Although the wife did not have direct control of her property, the trusteeship ensured that the property remained for her "sole and separate use"[21] and that the property "escaped the control of the husband and the liability of his debts"[22]. These courts also developed what is called "restraint upon anticipation".

> *This meant that a father, for instance, could give his daughter a sum of money or property and formally state that she was restrained from selling or otherwise dealing with it. This was a means of preventing her from being persuaded or forced by her husband to give the property to him.*[23]

In other words, these courts were attempting to help the father who had given property to his daughter to keep it within his own bloodline.

This was the state of affairs in New Brunswick until 1851 when married women's right to separate property began to be recognized in legislation. This reinforced the tradition of the courts of equity by protecting the married woman's property from her husband's creditors and by preventing her husband from dealing with her property without her consent. The property remained liable for the debts she had accumulated before her marriage as well as for any legal wrongs which she had been found to have done. The act also provided that a woman deserted by her husband could recover anything due her in her own name and for her own use. In 1869, the act was amended to ensure that a separated woman had "complete control and power of disposal"[24] over her property.

Anna O'Neill of York County, involved in a marital property dispute with her estranged husband, vowed, in an 1879 Fredericton *Reporter* ad, "All I want is justice and justice I shall have".[25] But New Brunswick women had yet over a century to wait for equality and justice in cases of marital property division.

Although her husband could not deal with her property without her consent, a married woman could not contract or dispose of her property without her husband's consent. He, of course, had complete control of his own property. Any wages she earned were also considered her husband's property unless the courts could be convinced to rule otherwise.

While the early property acts were not comprehensive, they were ground-breaking attempts at legislating the concept of separate property for women and, indeed, preceded England and Ontario by several years. In fact, New Brunswick "at this time took second place to no other jurisdiction in either legislation or the interpretation placed on the law or property"[26] by the courts. Unfortunately, the province did not bring this heritage of avant-gardism into the 20th century.

It was 1895, several years after England and a number of provinces had adopted laws giving women full control over their property, before New Brunswick passed the *Married Women's Property Act*. That act granted a married woman full control of her own property as if she were a *feme sole*, a single woman. However, the concept of "restraint of anticipation" was retained until 1927, and so the courts could bind her interest in a property if they deemed doing so was to her benefit.

In practice, most women upon marriage had little or no property, although some may have stood to inherit. And women's traditional role inside marriage was long unrecognized as a contribution worthy of an interest in marital property. Domestic

work was seen as merely a marital duty and not as a contribution to the accumulation of property by the couple. Upon marriage breakdown most women had the right to very little.

This situation was dramatically shown in the famous Murdoch case in 1975. Irene Murdoch was an Alberta farmer who after 25 years of marriage sought "one-half interest in the farm properties owned in her husband's name by virtue of her contribution of money and labour".[27] She had left her husband after he had violently assaulted her, breaking her jaw in three places, permanently paralyzing her jaw and lip.

She described her work on the ranch as:

> *...Haying, raking, swathing, moving, driving trucks and tractors and teams, quietening horses, taking cattle back and forth to the reserve, dehorning, vaccinating, branding, anything that was to be done...just as a man would...*[28]

and explained that during five months of the year when her husband was working elsewhere, she ran the ranch herself. Admitting to the work his wife had done, her husband remarked:

> *Oh!* [*it's*] *just about what the ordinary rancher's wife does. Most of them can do most anything.*[29]

Some of the Murdoch's joint earnings had been used for the down payment on the property and Irene Murdoch had also used money from her mother to acquire property, buying almost all the household furniture and appliances. But her contributions were not deemed relevant to her claim to a share in the ranch. The trial judge, while granting her $200 a month in maintenance payments, declared that if he were to give her a share in the ranch:

> *it would be tantamount to establishing a precedent that would give any farm or ranch wife a claim in partnership.*[30]

And that would have been a dangerous precedent to set.

The case went to the Supreme Court of Canada where the majority "considered her financial contribution as a loan to her husband, and her contribution of labour as normal for a rancher's wife".[31] The late Bora Laskin dissented:

> *He characterized Irene Murdoch's contribution of labour as "extraordinary". He concluded: "In making*

*the substantial contribution of physical labour, as well as financial contribution, to the acquisition...the wife has in my view, established a right to an interest which it would be inequitable to deny and which, if denied, would result in the unjust enrichment of her husband."*[32]

The public reaction was strong against the Supreme Court's majority decision and the provinces began reexamining their marital property laws. The case had proved the contention of the Royal Commission on the Status of Women in Canada that provincial property statutes:

*do not solve the problem of financial security during marriage for the partner who does not accumulate assets through paid employment and is without property of his or her own....If a system could be devised whereby equal rights to matrimonial property were to be realized during marriage, it would provide greater security for married women...and more fully express the true sense of the partnership between married persons.*[33]

Subsequent cases similar to the Murdoch case recognized labor as a contribution to the acquisition of marital property. In 1976, the Supreme Court of Alberta ordered Irene Murdoch's husband to pay his ex-wife $65,000, and, if he defaulted, to give her one quarter-section of his land.

New Brunswick, in response to a women's lobby and following the lead of the rest of Canada, finally passed *The Marital Property Act* in 1981. It recognized unpaid domestic work and child care as an equal and integral contribution to the acquisition of marital property. The act states that both partners should be equal beneficiaries of the marital property upon separation or death, and that spouses are equally liable for marital debts.

**Separation and divorce**

At the time New Brunswick became a province, marriage was viewed as a permanent and indissoluble union. In 1790, the English jurist Sir W. Scott stated that "the great happiness of the married life is secured by its indissolubility".[34] He believed that when a couple knew they must live together, "they learn to soften by mutual accomodation that yoke which they know they cannot shake off ".[35]

However, "in practical terms, it was the wife who learned to 'soften the yoke' ".[36] After all

> *marriage was a woman's economic security and if she felt no choice but to break free, she usually lost her children, shelter, financial security and social status. If she sought the law's sanction for leaving, or legal assistance in securing support if her husband left, she encountered a complicated array of rules.*[37]

Of course, some married couples did live separately. The legal system only became involved when one of the partners wished the status of the marriage to be resolved — usually because the wife needed financial assistance or one of the partners wanted to remarry.[38]

Couples could also ask for a judicial separation *a mensa et thoro* (separation from bed and board) which was a civil separation done in court. The parties thus remained legally married but their status was clarified.

New Brunswick passed its first law "for regulating Marriage and Divorce, and for preventing and punishing Incest, Adultery and Fornication"[39] in 1787 and a second one in 1791 which codified what was already established in common law. This act allowed divorce on the grounds of frigidity, impotence, adultery and blood relationship. A court composed of the province's governor and five members of council was set up to hear all suits for divorce and alimony. Four divorces were granted during the court's 69-year existence.[40]

Unlike Nova Scotia, New Brunswick did not include cruelty as a ground for divorce. But even if it had, New Brunswick courts had defined cruelty very narrowly, as actions causing physical harm that put the victim's life or health in danger.

Annulments were a remedy distinct from divorce. Couples in New Brunswick could get a nullity decree if it was found that their marriage was null and void from the start, for reasons of frigidity, impotence or blood relationship.

With Confederation in 1867, the power to make divorce laws became federal. The provinces could no longer amend their divorce laws. The federal government was not moved to write a new divorce law for Canada until 1968. New Brunswick thus remained under its 1791 divorce law for 177 years.

The 1968 *Divorce Act* was a "radical departure"[41] from previous legislation on divorce. The new law broadened the grounds for divorce, and empowered the courts to order the custody and maintenance of children and maintenance for the needy spouse. Grounds for divorce were matrimonial offences (adultery,

sodomy, bestiality, rape, homosexual acts, form of marriage with another, and physical or mental cruelty) and permanent marriage breakdown (imprisonment, alcoholism, separation after three years, or petitioner's desertion after five years). This was the first time that separation could be used as a reason for divorce.

Legislative changes are pending that would establish the breakdown of the marital relationship as the sole basis for divorce.

In divorce matters, domicile was important because it governed the choice of country (or province) whose laws would be applied in a dispute. Since a woman upon marriage lost her separate right to domicile, a woman seeking a divorce from a man who had deserted her had first to find in what province or country he was living and then bring a divorce action there, even if the matrimonial home had been elsewhere. In 1930, the law was changed so that if she had been deserted for over two years, she was allowed to sue for divorce where the husband had lived prior to the separation. The 1968 *Divorce Act* finally gave a married woman the right to a separate domicile from her husband for purposes of divorce and she is able to sue for divorce where she lives.[42]

*Maintenance*

Through the action of judicial separation (civil separation done in court), the wife could secure a court order for alimony. However, she had to prove that her husband had committed adultery,or that he was so cruel to her that he would have endangered her health or life if she had continued living with him, or that he had deserted her for more than two years without sufficient cause. She could be refused alimony if her husband could prove that she had committed adultery.[43]

In 1926, the New Brunswick legislature passed *The Deserted Wives' and Children's Maintenance Act.* The act deemed that a married woman was deserted when she was

> *living apart from her husband because of his acts of cruelty, or his refusal or neglect, without sufficient cause, to supply her with food and other necessaries when able to do so.*

The wife lost her right to support payments if she engaged in uncondoned adultery. The state "attempted to impose fidelity on the wife"[44] until 1980 when the *Family Services Act* was enacted. This new act recognizes both spouses as responsible to one another inasmuch as each is capable. It lists 20 specific

circumstances to be taken into account by a judge when determining the amount of support payments; a spouse's conduct is not a factor in determining support payments except in extreme and special circumstances. After nearly two centuries, the province finally eliminated the double standard of fidelity regulations for the wife.

## Widowhood

Until recent decades, society had frowned upon the idea of a married woman working in the paid labor force and she had little opportunity to build up financial security in her own right. The institution of marriage was supposed to meet all of a wife's financial needs — forever.

### *Dower*

Over the centuries, a way of protecting the wife in the event of the death of her husband had evolved. Common law gave a married woman an interest in one-third of her husband's property. This interest was called her dower. It could become her property only upon her husband's death. Her husband could not sell or deal with the property unless she "barred her dower" by signing away her dower interest to the extent it was to be affected by his dealings.

A husband could avoid respecting his wife's dower right by making himself a type of trustee rather than owner of his property, by sharing his property ownership or tenancy with someone other than his wife or by incorporating a company to own the land.[45] A married woman could also lose her dower rights through divorce or separation or adultery, or if she were deemed mentally incompetent.

But a dower right was meaningless if the woman's husband had little or no property. It was "more meaningful in times when wealth came from large landholdings."[46] The dower right was abolished with the *Marital Property Act* in 1981. This act entitles the surviving spouse to the marital home and half of the couple's marital property.

### *Curtesy*

The married man had an interest in his wife's property similar to a dower interest. It was called tenancy by curtesy. Upon the birth of their child, it gave him the right to a life interest in all of his wife's property, not just a third. The right was abolished in New Brunswick in 1916.

> *Dower and curtesy arose for different historical reasons. The right to dower was a means to carry on the husband's obligation of support after his death. The right to curtesy reflected the husband's control of his wife's property during her lifetime and continued that control after her death.*[47]

*Inadequate wills*

If a husband omitted making provisions for his wife in his will or inadequately provided for her, his estate had no obligations to her, beyond her dower rights. A study of wills written in the Richibucto parish in the mid-19th century reveals that although husbands "could not deny a wife's dower rights, these men did not usually go beyond the recognition of those rights."[48] It was not uncommon for a husband's will to stipulate that his "wife was permitted the use of property only as long as she remained his wife, or, to be more precise, his widow"[49]. Indeed, the husband practiced what the study's scholar, Nanciellen Davis, terms "patriachy from the grave".

In 1925, New Brunswick passed *The Widows Relief Act*, enabling the widow to apply for relief paid from her husband's estate if his will had left her less than the one-third that was her dower right. The act did not apply for the widow living apart from her husband at the time of his death. In 1959, the *Testators Family Maintenance Act* was passed to extend the widow's right to other dependents.

*No will to divide*

If a woman's husband died without leaving a will, the state ensured that the widow received a share of her husband's property. Until 1926, New Brunswick acts dealing with intestate cases did not give the widow any more than her dower right. She received a third of her husband's personal property and the rest was divided between the couple's children.

In 1926, a new act, [50] which has remained substantially the same until this day, specified that the widow receive half of her deceased husband's property if there was only one child inheriting, and one-third if there were more children inheriting. If the couple had had no children, the widow was accorded the full estate.

As in other provinces, New Brunswick intestate laws denied the woman who had deserted her husband the right to inherit from his estate if she were "living in adultery at the time of his death". Unlike other provinces, however, New Brunswick applied the rule

to widowers as well. The state was clear: marital misconduct was punishable even after a spouse's death.

The present act, the *Devolution of Estates Act*, makes no provisions for common-law spouses nor does it allow courts to make awards according to the extent of the claimant's sacrifices and contributions to the estate. Recommendations have been made for the act to be repealed and for equitable amendments to be brought to the *Testators Family Maintenance Act*, the act which deals with inadequate wills.

The *Marital Property Act*, since 1981, has entitled the surviving spouse to the marital home and half of the couple's marital property.

**Women and social legislation**

For some 175 years, until the 1960's, the poor were the responsibility of the parishes. Some parishes opened institutions such as workhouses and almshouses. Almshouses were for the aged, the disabled, orphans, alcoholics and unwed mothers.[51] But half of the counties, instead of funding almshouses, contracted their poor to bidders at public auctions. Overseers of the poor auctioned off the old, disabled or unemployed poor to the lowest bidder who was then paid the bidded amount for the pauper's food and lodging for a year. Due to women's economic vulnerability, many of these destitute poor were likely female. In 1884, Hannah Boles, who had married well but was made a pauper by her husband's death, went for $72.[52] The *New Brunswick Child Welfare Survey* of 1929 found that there were still auctions in the counties of Albert, Kent, Queens, Sunbury and Restigouche at that late date. Even a 1880's campaign waged in the New Brunswick press (headlining, "White Slaves Sold at Public Auction") which brought international shame to the province had not stopped the practice. Eventually, it became cheaper to open almshouses than to auction the poor and the practice ended because of economic, not humanitarian, reasons.[53]

In 1930, following the example of other provinces and acknowledging the lobbying efforts of such groups as the Saint John Council of Women, New Brunswick passed the *Mothers' Allowances Act*. It was to provide maintenance payments to widowed mothers or disabled women unable to support a dependent child. Deserted or deserting mothers and unwed mothers were not included. To be eligible for the allowance of $60 a month, the mother had to be "in every respect a fit, proper and suitable person to have the custody and care of her children" and the children in her care had to have been "born in lawful wedlock".

However, no money was paid out in this plan until 1944[54] when the act was replaced by a new one which also provided for the payment of allowances to both widowed and deserted mothers and to disabled fathers. In the same year the federal government introduced the universal program of family allowances. In 1959, the provincial act was amended to include the wife who had left her husband because of his cruelty or uncondoned adultery.

Apart from mothers' allowances and family allowances, little assistance existed to help the unskilled divorced or separated mother provide for her children. This harsh financial reality likely kept many women in unhappy or intolerable marriages. Until 1967, when the provincial government fully took over the administration of the welfare system and equalized social assistance payments, the public assistance she could receive depended on whether she lived in a rich or poor county. If she had children and attempted to support herself, she had to face disapproving social attitudes. Moreover, due to social conditioning she often lacked the necessary skills or education to work in a well-paying profession.

Although the divorce law was broadened in 1968 and social attitudes regarding working women have improved, and although there now exists a more equitable system of social assistance, a dependent woman in an unhappy relationship still faces great practical difficulties in leaving her partner. Too often still, she has few skills and cannot expect to offer a decent standard of living to her children. Maintenance payments are rarely paid. She may be able to scrape by on social assistance but without other aid she will not be able to improve her situation. The facially neutral social service laws do not help women become autonomous. In the end, union based on a bread-winning husband and a dependent wife places the wife in a precarious position.

### Education — breaking the rules

Women's right to post-secondary or superior education was not fought in New Brunswick courts; but neither was it given without the struggle of a few women and men against traditional opinion. Although public education for girls developed more or less at the same pace and during the same periods as education for boys, post-secondary education for women and men did not. In a society where women were not expected nor, often, believed capable of aspiring to professional work, it was difficult for men or women to see the usefulness let alone the right of women to study beyond their adolescent years. Not only did the possibility of women receiving post-secondary education signify the possibility of women stepping out of their traditional and

idealized place in society, but it also demanded society's reappraisal of women's abilities.

The first post-secondary or superior educational institutions to open their doors to women were the Provincial Training and Model Schools or Normal Schools for teachers. The original schools were established in Fredericton and Saint John in 1848. Neither had provisions for female students. In that same year, however, Rachel Martin was admitted to the Fredericton training school on the recommendation of Lieutenant-Governor William Colebrooke and she became the school's first female student.[55] Martha Hamm Lewis attempted to enroll in the Saint John Training School in 1849 but was refused by the headmaster on the "grounds of custom and expediency".[56] She appealed the decision to Lieutenant-Governor Edmund W. Head and he issued an Order-in-Council requiring Lewis' admission. The head master abided by the order but applied strict rules to Lewis. She was to wear a veil, arrive 10 minutes before class began, sit in the back of the class, leave five minutes before class ended and speak to no one.[57] In spite of these limitations on her movement, she successfully completed the program. Once women's right to teacher training had been given a governmental blessing, the number of female students increased steadily. By 1856, there were almost twice as many female students as male students at the Saint John school.[58] Male candidates were less attracted to the teaching profession because it promised little pay and prestige and men had many more career options.

The number of francophone students remained tiny at the Normal School. In the 1877-1878 session, there were only two francophone students, one of them female, out of a total of 229 students at the Normal School, by now permanently established in Fredericton.[59] In 1878, a French preparatory department was established at the Normal School to prepare francophone students for the English-taught Normal School. The preparation allowed these students to earn a temporary two-year third-class teaching license. To qualify for a permanent and higher-level license, they were required to return to Normal School and follow the regular English teacher training program. Few did. In 1883, this arrangement was slightly improved when francophone students were allowed to earn a permanent license through a renamed "French Department" which provided training in both English and French, but the license was still only third class, the least well-paid and least prestigious. As with the anglophone section of the Normal School, the francophone section became predominantly female.[60] Except for studies in nursing, this form of superior education was to be the only one available in French (and only partially at that) to francophone women until 1943.

In 1854, the Female Branch of the Mount Allison Wesleyan Academy was founded in Sackville, 11 years after the boys' academy and after a number of years of intermittent fund-raising and deliberations. The first preceptor of the Female Branch (later named the Mount Allison Ladies' College) was Mary Electa Adams. She believed "that the introduction of the abstruser sciences into a course of study for females, is of the highest utility".[61] Her high academic principles prepared the ground for 1872 when women would be allowed to receive university diplomas from Mount Allison Wesleyan College (10 years after men). The first female graduate was Grace Annie Lockhart. She earned a Bachelor of Science and English Literature in 1875 and was the first woman to receive a bachelor's degree in the British Empire. Harriet Starr Stewart received a Bachelor of Arts in 1882 and became the first woman in Canada to receive that degree.

In 1886, the University of New Brunswick (founded as King's College in 1800) opened its doors to women, but only after the persistent struggle of Mary K. Tibbits. She had written her entrance exams in 1885 and had passed with "flying colours"[62]. The legislation regarding admittance to the University of New Brunswick allowed "any person 'who passed the matriculation examination, paid the dues, and signed the declaration' required of all students, pledging obedience to the rules of the University"[63] to be admitted. Tibbits' lawyer assured her that she was a person in law and she applied for admission. However, many members of the university's Senate and the university community did not wish to admit her. Only after a member of the House from Saint John, John V. Ellis, opposed a grant to the university because it had "refused admission to a duly qualified student, one Mary K. Tibbits"[64] did the university recant. Tibbits graduated along with Florence Caie in 1889 and the two women became the first female graduates from U.N.B. The first Black woman to graduate from U.N.B. was Mary Matilda Winslow in 1905.[65]

In 1923, Marguerite Michaud became the first francophone woman from New Brunswick to earn a B.A. when she graduated from Saint Francis Xavier University in Nova Scotia. Francophone women would have to wait until 1943 before they were to have a place in a university degree-granting program in their own language. In 1864, the Collège Saint-Joseph was founded in Memramcook, Westmorland County. It was the first francophone degree-granting institution in New Brunswick, and like the anglophone universities, admitted men only. It was followed by other clerically-run classical colleges, but none admitted women.

It took the Religieuses de Notre-Dame du Sacré-Coeur to change

all that. They had a history of concern for the education of girls. While they were still a part of the Sisters of Charity they had, in 1873, founded in Memramcook one of the first francophone convents in New Brunswick dedicated to the education of francophone girls. In the early 1940's some of their students began expressing the desire to receive classical training as offered in the men's classical colleges.[66]

Mère Marie-Jeanne-de-Valois (originally Bella Léger from Saint-Antoine, Kent County) director of the congregation's boarding school, took up her students' request with enthusiasm. Like Mary Electa Adams 90 years before, she believed that women should be able to receive a solid post-secondary education and she insisted that the classical education her congregation would offer not be a diluted version of the men's classical education. In Quebec, congregations had modified classical education for women to include culinary arts and domestic sciences. Mère Marie-Jeanne-de-Valois believed that women had as much right and need for a solid cultural and intellectual education as men.

Père Clément Cormier, superior of the Université Saint-Joseph in Memramcook, supported her initiatives. But the general public and elder clergymen did not. Neither perceived the need for women to receive a university education. Many classical college professors also believed that women were incapable of absorbing such education, that the required courses in philosophy in the classical program were incomprehensible to the female brain.[67] Some members of mère Marie-Jeanne-de-Valois' own congregation were also hesitant. They questioned their abilities to undertake such a venture. For many, nuns, priests, educators and members of the public, the notion of training young women in the liberal or classical arts (philosophy, history, literature, latin, music, as well as science and mathematics) was still too new, too audacious an undertaking.

In spite of the opposition and the obstacles, mère Marie-Jeanne-de-Valois and père Clément Cormier persevered and quietly won their cause. They struck an agreement that the Université Saint-Joseph would grant the degrees earned by the women taught by the Religieuses de Notre-Dame du Sacré-Coeur and in 1943 the congregation of sisters accepted their first four students in classical studies. It was an appropriate way to mark their 70 years of providing instruction to girls in Memramcook.

Two of the original four students graduated in 1947: Antoinette Léger of Moncton and Alphonsine Després of Cocagne.

Needing space for the young college as well as the high school and business course the sisters wished to offer, the congregation built

the collège Notre-Dame d'Acadie in Moncton and it opened its doors in 1949. Many of the graduates of the classical program of the college would go on to make important contributions in the artistic and liberal professions and some would earn international stature. Once the Université de Moncton became a reality (1963), the congregation closed its college (1965) marking the end of segregated post-secondary education for francophone women and men in New Brunswick.

Other classical colleges for francophone girls were opened in 1949 in Saint-Basile by the Hospitalières de Saint-Joseph, in 1960 in Shippagan by the Religieuses de Jésus-Marie, and in 1965 in Bathurst by the Filles de Marie-de-l'Assomption. The former two would be replaced by the Edmundston and Shippagan campuses of the Université de Moncton. The Bathurst college would close in 1966.

These quiet but persistent struggles for post-secondary education for women opened the doors for those women with the will, the means and the encouragement to join the professional world. Although women quickly penetrated those faculties or programs which reflected their traditional place in society, as child-educators, social workers and nurses, or faculties which seemed to complement their "innate" artistic and linguistic abilities, women have yet to penetrate in numbers equal to men certain pure and applied science programs such as physics and engineering and it has yet to be demonstrated that girls receive the same encouragement as boys to pursue such non-traditional programs. In historical terms, women are relative late-comers to the world of post-secondary education, and universities are still adapting to their relatively new clientele, especially to those women with family responsibilities. University-provided day care, distance education, part-time programs and evening classes are helping to equalize the opportunities.

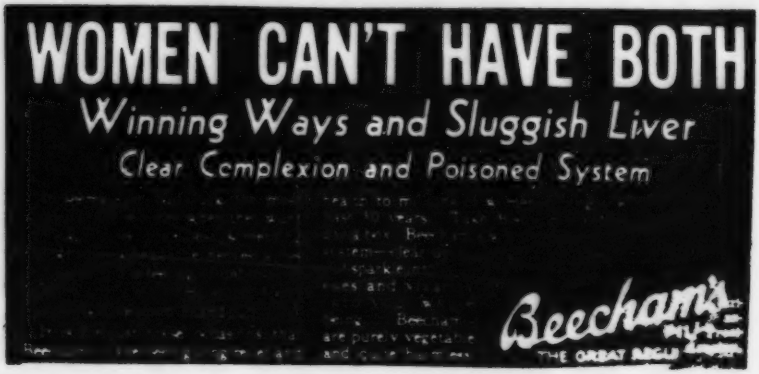
Although women have made great strides since the time of Martha Hamm Lewis and Mary Tibbits, we still have not arrived in an era where women are equally represented with men in all post-secondary programs.

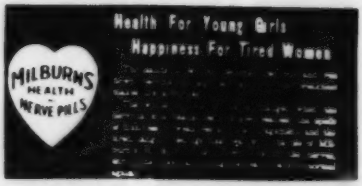
## Women and labor legislation

With industrialization came factories and with factories came difficult working conditions.[68] People concerned about the conditions, including members of the Women's Enfranchisement Association and the Saint John Council of Women lobbied for and finally got the adoption of a *Factories Act* in 1905. Ontario had had such legislation since 1884.

*Anis and Noel Sacoby in their wedding outfits, early 1900's. Until recently, the law placed many limitations upon the married woman and until 1985, an Indian woman faced severe economic and social consequences if she married a non-Indian or someone from another band. (N.M.C. photo)*

*Residents of the Home for Aged Females (now Courtenay House), Broad Street, Saint John, around 1900-1920. The woman in the apron is Frances Gustavia Lister (nee Wetmore). (P.A.N.B. photo)*




*1934 ads in the Moncton* **Transcript.** *Women were the target of many health ads.*

*An Indian family, c. 1905, in New Brunswick. The older woman is Moli Elizabeth Francis; the woman carrying a child is her daughter, Mrs. John Alexander and the boy in center is Makaw, the first native Indian to attend St. Thomas University. (H.I.L.A.S.C. Photo)*

*A family portrait identified only as "Frederick Gallant, his wife and his children", early 1900's. (C.E.A. Photo)*

*Friends posing — Annie Moreau (LeBel) and Flora Allard (Goguen) in a photo taken in St-Leonard in 1910. (Photo from the Musée acadien, Caraquet)*

*Mysie, from the Stanley area, was a "noted eccentric" who had immigrated from Northern Scotland, where her brothers were shepherds. She had been well-educated, had worked as a governess and spoke the "purest Gaelic". According to* The History of Stanley, *she was handicapped as the result of a severe illness, but she was one "from whom many might learn a lesson of independence, integrity and self-dependence". (P.A.N.B. photo)*

## Women at Play

*An 1895 ballteam from Bocabec, Charlotte County with its coach. (Eugene Campbell Collection, P.A.N.B. photo)*

*The women's 50-yard race at the Second Annual Picnic of the Bathurst Lumber Company in August 1919. Note the high-heeled shoes. (P.A.N.B. photo)*

*Automobiles played a significant role in women's increasing freedom and independence. Here, three women are shown in an early 1900 car crossing a Miramichi bridge. (P.A.N.B. photo)*

*A sing-along among friends — women at a camp close to Fredericton in the early 1900's. (Madge Smith, photographer, P.A.N.B.)*

This new act regulated working hours, conditions and building standards. It had rules for washrooms, ventilation, cleanliness and the prevention of overcrowding. It also prohibited the employment of girls under 18 or boys under 16 in factories considered "dangerous or unwholesome". It required the inspection of factories to ensure that the standards were met and allowed for the appointment of female factory inspectors from "time to time": a small victory for women.

The act's purpose in part was to limit the working hours of girls between 14 and 18 and of women employed in factories. The act required that girls and women not be employed more than 10 hours a day nor more than 60 hours a week. However, in exceptional circumstances the factory could employ girls and women up to 13½ hours a day or 81 hours a week but for no longer a period than 36 days a year. In such circumstances, girls and women were not to begin work before 6 a.m. nor finish after 10 p.m. These women, like women today, also had a work day waiting for them at home.

It was to take another 38 years, until 1943, before New Brunswick factories' legislation limited work hours to current standards. Female and male employees under 18 were ordinarily not to put in more than nine-hour days; however, no limits were given for the hours of work of adult employees.

In 1916, regulations were added to the original act, requiring that girls and women in shops be provided chairs and be allowed, when not working, to sit in them without "threat...or intimidation". In 1928, regulations were added to allow girls and women to sit while working if the work could be done just as productively in that position.

The 1905 *Factories Act* also stipulated that:

> *A young girl or woman shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water or other mechanical power.*

It is unclear whether female workers were being protected from their "inherent" ineptness with machines or from the dangers caused by ample dresses that might catch in moving machine parts.

Even in the 1937 *Factories Act* women were to stay away from moving machines. In fact, not until the 1946 *Factories Act* did the regulation disallowing women from working near operating machines disappear from the books. Perhaps the need for women

in the war industries had belatedly called for a realistic view of women's abilities.

*Minimum wage*

Early this century, provinces began bringing in minimum wage legislation for women to help prevent their exploitation.[69] New Brunswick did not do this until 1930. By then, many of the other provinces were beginning to extend their minimum wage laws to include men, too, and New Brunswick followed suit. It was not until 1965 that the minimum wage was the same for women and men in New Brunswick.[70]

*Earning equal pay*

New Brunswick women won their first equal pay battle in 1920. Until then, female teachers had been paid less than male teachers. From the third quarter of the 19th century women had begun to dominate the teaching profession.[71] Since few attractive career options were open to women, they worked for whatever pay they were offered. Government quickly saw the economic advantages of having female teachers and legislated lower pay scales for them.

It was to take a virtual crisis before the government was to bring in equal pay for female and male teachers. The First World War caused an acute shortage of trained male teachers.[72] By the end of the war, female teachers, the lowest paid in a low-paying profession, were looking elsewhere for better employment. Schools were reported closed apparently for lack of teachers.[73] To attract potential teachers, the government introduced one pay scale for all teachers based on years of experience.

Equal pay was finally extended to everyone 41 years later. Following Ontario by 10 years, New Brunswick brought in the *Female Employees Fair Remuneration Act* in 1961. In effect until 1976, it required employers to give women and men equal pay for equal work. The act's usefulness was limited in large part because the majority of the female work force has never worked concurrently in the same occupations as the male work force. A more meaningful remuneration of work done by the sexes would pay according to the value of their work: equal pay for work of equal value. Still in our present day, women make on the average 63 cents to every dollar men earn. This gap has remained virtually static since the turn of the century.

*Human rights legislation*

The 1960's began with Canada adopting equality principles — including sexual equality — in the *Canadian Bill of Rights*. The provinces followed suit with human rights acts. In 1967, New Brunswick enacted its first *Human Rights Code*, prohibiting discrimination on the basis of race, color, religion, origin, age and physical disability. But it was not until 1971 that the act was amended to prohibit discrimination on the basis of sex and later on the basis of marital status. The principle of equal pay for equal work is deemed to be protected by this act, the 1961 equal pay act having been repealed in 1976, but it has been questioned whether the administration of the code provides much practical protection on this issue. A landmark at the time of its enactment, the code is now considered in need of strengthening. Indeed, many concerned women believe that the concept of equal pay for work of equal value, when implemented, should be included in the much stronger *Employment Standards Act*.

*Married women on the job*

When married women sought to enter the labor market, they encountered prejudices, many of which still linger.

First, in society's view, married women were not supposed to work for pay outside the home. Women were to work only until marriage. Employers enforced this belief in regulations and in laws. Until 1955, except during the Second World War, the federal civil service did not employ married women as a rule. It was not until 1967 that the New Brunswick civil service was to employ married women. Until then they had to be separated or divorced or married to an unemployable man before they could be considered for permanent employment.

Second, married women were supposed to stay home to raise children. Over the years the public has debated whether or not children require their mother's constant care. We forget of earlier times when nannies and domestics, or maiden aunts or elder children helped relieve the mother of 24-hour-a-day child care duties.

*Day care*

The issue of day care is far from new. Before the turn of the century Saint John, at least, had a day nursery.[74] Early women's groups such as the Saint John Council of Women, the Women's Christian Temperance Union and the Women's Enfranchisement Association worked in support of day nurseries and kindergartens for working mothers.[75] 1908 saw a flurry of

activity in this regard. Other provinces instituted day care for the children of mothers working in the war industries. The full history of such services and other alternate child care methods in New Brunswick has yet to be told.

As mothers began entering the work force in increasing numbers in the 1960's, the issue of day care became pressing. The number of day care centers increased and 1973 saw the foundation of Garde de Jour - N.B. Day Care Association. In response to day care advocates, the New Brunswick government brought in elaborate day care standards in 1984. However, it has yet to develop a comprehensive policy regarding early childhood development services.

In 1985, there were some 3000 day care spaces while there were over 62,000 children aged under six in the province. Existing day care centers struggle under difficult financial conditions despite waiting lists.

Day care is an issue that continues to grow. The mobility of today's families has greatly distanced them from their extended families. Many parents do not have the family support an earlier generation of parents had in raising children. Most couples in New Brunswick are having only one or two children and parents are concerned that their children have limited opportunities for socializing with other children.[76]

Most parents with children under age six work.[77] Although the day care issue is not exclusively a women's issue, but rather a family one, women have been in the forefront of the day care movement. As working mothers, they hold the triple responsibility of child care, home care and employment.

*Maternity*

Where working mothers encountered prejudices regarding a mother's place in the paid work force, expectant mothers faced possible firings. In 1964, the New Brunswick government passed a *Minimum Employment Standards Act* which allowed women up to 16 weeks maternity leave (17 since 1976) and since 1971, the federal government has allowed qualifying women on maternity leave to draw unemployment insurance. But it was not until 1976 that the provincial government amended its employment standards to prohibit the dismissal of pregnant women. Significant gains have yet to be made regarding paternity leave.

**Prostitution**

Prostitution was never a crime in New Brunswick before

Confederation nor has it been in Canada since. Activities related to prostitution were prohibited and many prostitutes were arrested as vagrants or "disorderly persons". New Brunswick had passed one of the first such laws in 1786: *An Act for preventing Idleness and Disorders, and for punishing Rogues, Vagabonds and other Idle and Disorderly Persons.* Such people were liable to be sent to prison or the House of Correction for one month of hard labor.

In 1829, New Brunswick passed *An Act for the speedy and effectual punishment of Persons keeping Disorderly Houses.* This included bawdy houses, and masters or mistresses of such houses were liable to prosecution or punishment. Whether because lawmakers naively hoped that bawdy houses would disappear over time or whether because lawmakers hesitated criminalizing the keepers of such places, they stipulated that the act was only to remain in force for five years, until 1834. However, it was continued until 1840, and in 1854 the keeper of a common bawdy house became liable to two years imprisonment. This penalty has remained unchanged up until the *Criminal Code* of the present day.

When Canada gained jurisdiction over criminal law, it passed *An Act Respecting Vagrants* in 1869. This law made all vagrants, which included prostitutes, keepers of bawdy houses, and persons living off the avails of prostitution, liable to two months imprisonment, a fine of $50 or both.

Responding to calls from concerned citizens for the protection of innocent girls and women from sexual exploitation, Canada enacted in 1886 *An Act respecting Offences Against Public Morals and Public Convenience.* The act prohibited householders from allowing women under 16 years to resort there for the purpose of "unlawful carnal knowledge"; it prohibited persons from enticing a woman to a brothel for the purpose of prostitution and forbade men from having "illicit connection" with any woman of previously unchaste character who was between 12 and 16 years old. In 1892, related provisions became part of the *Criminal Code.*

Social reformers desired more than prohibitionary laws. They wanted to reform "the fallen women" and many believed that "women criminals could achieve almost total rehabilitation"[78]. Federal legislation of 1871 allowed Quebec women to serve their sentences in a Quebec female reformatory and moreover required that they serve their time there if they had been convicted more than once under the *Vagrancy Act.* What was peculiar in this arrangement was that women had to remain in a reformatory a minimum of five years while the penalty under the *Vagrancy Act*

was only six months. It would seem that the extended time was to ensure the women's rehabilitation. In 1891, similar federal legislation was brought in to deal with convicted Roman Catholic women from Nova Scotia and in 1896, a New Brunswick act incorporating the Sisters of the Good Shepherd of Saint John allowed judges to commit "vagrant or incorrigible" Roman Catholic girls to the Good Shepherd Industrial Refuge in Saint John to serve out their jail terms, or up to five years if the girl was under 14 years of age.

The prostitution and exploitation of Indian women became a federal concern in the late 19th century. In 1880, the government passed *An Act to amend and consolidate laws respecting Indians* which "prohibited the keepers of houses from allowing Indian women prostitutes on the premises". When the *Criminal Code* was enacted in 1892, specific provisions were inserted to penalize unenfranchised Indian women who kept or were found in a disorderly house, tent or wigwam. This provision was elimated in 1954.

From 1869 until 1972, vagrancy provisions in Canadian criminal law had made it an offence for a prostitute to be in a public place for the purpose of prostitution. In 1972, that provision was replaced with one that prohibited anyone from soliciting in a public place for the purposes of prostitution. Narrow judicial interpretation of the new 1972 section has rendered it difficult for law officers to use successfully. Other provisions regarding disorderly conduct, indecent acts in a public place, keeping a bawdy house, having sexual intercourse with a young girl are also used currently to regulate prostitution.

Over the past century and a half, lawmakers have attempted to deal with prostitution through various measures of regulation, prohibition and rehabilitation, but these have been unsuccessful in diminishing the trade. Complex legal and social reforms have been proposed by women's organizations, in particular the Canadian Advisory Council on the Status of Women. It has recommended that laws related to prostitution be applied equitably to women and men but that we must recognize that prostitution is too firmly entrenched in our social and economic system to be eradicated by legal stricture or even social reform in the near future.

### Crimes against women: sexual assault

Through much of recorded history, rape, like homicide, has been viewed as a major crime and the rapist has been liable to the death penalty. New Brunswick inherited England's legal view of rape and while England was revising its laws in the early 19th century, New Brunswick enacted in 1829 its own statute of offences against the person which stated in no uncertain terms:

*that every person convicted of the crime of rape shall suffer death as a felon.*

When Canada gained jurisdiction over criminal law and wrote its 1869 *Act respecting Offences against the Person*, the sentence for rape remained death. But in the *Criminal Code* enacted in 1892, sentence was life imprisonment or death.

In practice, convicted rapists were not executed; their sentence was commuted. In 1921, whipping was added to the life imprisonment sentence in recognition of this fact and in the hopes of rendering the life sentence an "adequate punishment"[79] that would deter the potential rapist. The judicial system's reluctance to carry out the death sentence in cases of rape was evident in one early New Brunswick rape case. A Queens County man was found guilty of raping a young girl in the 1790's but:

> *The magistrates of the county, horrified that such a sentence should be passed on an officer and a gentleman (!), reviewed the evidence to see if they could find any loopholes. They succeeded in having the sentence commuted to banishment from New Brunswick for life, whereupon the accused retired across the Bay of Fundy, from which vantage point he vilified everybody in New Brunswick, including the magistrates who had saved him from the gallows.*[80]

Other forms of sexual assault, in particular incest and sexual intercourse with young girls, were also specifically dealt with in New Brunswick's early criminal law. A man who "carnally knew" a girl under 10 risked the penalty of death. Now a man who has sexual intercourse with a girl under 14 who is not his wife is liable to life imprisonment. Since 1854, the person found guilty of committing incest in New Brunswick has been liable to 14 years in prison.

It is only very recently that Canadian society has begun to look upon rape with new understanding. Until the 1970's society viewed rape as a crime caused by a man's uncontrolled sexual passions. We now see all sexual offences as gross abuses of power.

From 1892 to 1983, the *Criminal Code* definition of rape remained intercourse that a man has with a woman other than his wife, without the woman's consent or with her consent after the use of force or fraudulent means.

It was general practice for the defendant's lawyer to grill the victim on her past sexual experiences and her life-style. A victim who was unchaste before the crime was viewed with suspicion. In

1976, the *Criminal Code* was amended to prohibit defense lawyers from questioning the victim regarding her past sexual experience. The intent of this amendment was not clear to all and victims were still sometimes compelled to answer such questions. Finally in 1983, the section was rewritten to clearly forbid questions about the victim's past except in specified circumstances, such as when consent is in question and past conduct might be relevant to the accused's professed belief that the victim consented. In the past, the verbal testimony of the victim was not sufficient evidence of the charge. Since 1983, corroboration has no longer been required, bringing the prosecution of sexual offences in line with that of other crimes.

In 1983, after years of lobbying by Canadian and New Brunswick women's groups, the *Criminal Code* rape provisions received major amendments. Rape is now legally termed "sexual assault" to underline the violent nature of the crime. There are varying degrees of this crime and they carry maximum sentences ranging from 10 years to life imprisonment. The code now also recognizes that sexual assault can occur in a marriage.

## Challenging slavery

Not all of New Brunswick's early settlers came willingly. Some were slaves. In 1799, two Black women challenged the legality of slavery in the province.[81] One of the women, known simply as Nancy, had been brought as a slave from Maryland in 1785 by the slave owner Caleb Jones. The other, Mary Morton, had been purchased by another tenacious slave owner, Stair Agnew. Both women claimed their freedom; only Nancy's case was to come to trial. It was heard in the Supreme Court of New Brunswick.

During this period, popular sentiment in Britain, New England and British North America was increasingly for the abolition of slavery and it appears to have been no different in New Brunswick. However, there were vested economic and ideological interests which most of the Supreme Court judges, as part of the governing elite and as slave owners, wished to guard. Before this biased judicial system counsel for Nancy was to plead her case in 1800.

Nancy's two lawyers were Samuel Denny Street, a staunch abolitionist, and Ward Chipman, Solicitor General and later a Chief Justice of the province. While working on this case he wrote that he was "a volunteer for the rights of human nature"[82]. Neither lawyer charged for his legal services.

Slave owner Jones was represented by four leading lawyers, including the Attorney General and two men who later served as Attorney Generals.

The four judges of the Supreme Court of New Brunswick presided over the case. Two were slave owners, one espoused masters' rights and one was an abolitionist. The stakes were not in Nancy's favor.

Counsel for Nancy argued in part that because no law legalized nor recognized slavery in New Brunswick, slavery could not be tolerated in the province and Nancy must be freed.

The judges were unable to arrive at a judgement. Judge Upham, who owned slaves, and Chief Justice Ludlow, who accepted slavery, predictably found for the slave owner, ruling that Blacks could legally be held as slaves in New Brunswick. Judge Saunders, who opposed slavery, was joined by slave owner Judge Allen, in finding that slavery was not legal in New Brunswick since it was not recognized in Great Britain. The split in opinion resulted in no judgement and Nancy remained a slave.

But Nancy's challenge was not entirely in vain. To conform with his decision Judge Allen released all his slaves.

Although Mary Morton's case did not proceed to trial once Nancy's case had been heard, Morton's master, Stair Agnew, remained concerned about slave-owning interests in the province. He was a member of the House of Assembly and in 1801 introduced "A Bill relating to Negroes" which would have recognized slavery in New Brunswick. One of the drafts of the bill included the new regulation that mothers, rather than fathers, would transmit slavehood status to their children. Slave owners could thereby assure themselves of a continuous supply of slaves. The women who had dared to request their freedom would now by the sole virtue of their sex be keeping their descendants in slavery. Matriarchy would be recognized and institutionalized, but in a cruel form that was economically advantageous to the wealthy few.

Anti-slavery sentiments prevailed in the House, however, and the bill did not survive. But the issue of transmitting status through the mother was to resurface in the only other known slavery case in New Brunswick. The case involved a Black "servant", Richard Hopefield Jr. who at 21 claimed the freedom Stair Agnew had promised him. Agnew did not comply and, in 1805, was brought to court. Hopefield's status as a slave was in question. He was the son of Stacey Patience, who had been born a slave in New York, and of Richard Hopefield Sr., a free Black. Although the couple lived as wife and husband, they had never been formally married. When Patience was pregnant with Richard, her slave owner attempted to have her sold in the West Indies. Her husband approached New Brunswick's Governor Carleton on the matter

and the Governor declared Patience free. But she was not to remain so. Seven years later in 1792, a former master "seized on her by violence"[83] and later resold her. This was the state of affairs when her son claimed his freedom.

Samuel Denny Street, who had represented Nancy, was counsel for Hopefield Jr. He argued that Hopefield derived freeman's status from his father. Ward Chipman, reversing his anti-slavery stance of five years earlier, represented Agnew and argued that since Hopefield's parents had never formally married, Hopefield derived his status from his mother. Hopefield lost his case. Three of the four judges held slave-owning interests.

Although few details are available regarding the judges' individual positions, Hopefield's loss suggests that the judges held the traditional view that children of unmarried mothers derive their status from their mothers.

The 1800 and 1805 challenges to slavehood in New Brunswick not only attempted to rectify individual cases but also questioned the legality and humanity of slavery. That the particular plaintiffs involved did not receive their freedom points not only to the racial hierarchy which the judges' espoused [84] but to the sexual hierachy they embraced. Those men with slave-owning interests supported matrilineal concepts only when they served to keep slave women and men in their place.

### A New Brunswick Persons Case

In 1905, New Brunswick was the scene of a case that foreshadowed the famous Canadian Persons Case. The Persons Case was the appeal by five women from western Canada in 1929 to the Privy Council of England for a decision on whether women were persons and therefore able to sit as Senators. Their appeal was successful much to the embarrassment of the Supreme Court of Canada, which, on an earlier appeal by the five women, had ruled that women were not persons under the *British North America Act*.

The same question: "Is a woman a person?" had been raised in the Supreme Court of New Brunswick in 1905. Mabel Penery French, who had graduated that year from the University of King's College Law School in Saint John, had applied for admission to the New Brunswick Barristers' Society. The Society agreed that she had "complied with all the requirements of the society as to study and examination and ...[that it was] fully satisfied of the moral character, habits and conduct during her term of study".[85] But before the Society could admit French it felt it needed the opinion of the court as to whether French was a person. Only persons could be admitted to the bar.

Since there had never been a similar application by a woman in England, there was no English precedent to go by. There had been similar applications in the United States, and five states allowed women to be court attorneys without specific legislation that gave women this right. Ontario allowed women to be admitted to the bar, this after a determined fight by Clara Brett Martin, who became the first female lawyer not only in Canada but the British Empire in 1897.

Six judges presided over the French case and several held strong views about the place of women. Justice Tuck declared:

> *I have no sympathy with the opinion that women should in all branches of life come in competition with men. Better let them attend to their own legitimate business.*[86]

To prove that women had no place in the administration of justice, Justice Barker quoted heavily from an American case where the judge had ruled against a female applicant to the bar:

> *the civil law, as well as nature herself, has always recognized a wide difference in the respective spheres and destinies of man and woman. Man is, or should be, woman's protector and defender. The natural and proper timidity and delicacy which belongs to the female sex evidently unfits it for many of the occupations of civil life. The constitution of the family organization, which is founded in the divine ordinance as well as in the nature of things, indicates the domestic sphere as that which properly belongs to the domain and functions of womanhood. The harmony, not to say identity, of interests and views which belong, or should belong, to the family institution is repugnant to the idea of a woman adopting a distinct and independent career from that of her husband....The paramount destiny and mission of women are to fulfil the noble and benign offices of wife and mother. This is the law of the Creator. And the rules of civil society must be adapted to the general constitution of things, and cannot be based upon exceptional cases.*[87]

He concluded that neither the court, nor the Barristers' Society nor the legislature in enacting the Society's regulations "had any thought or intention of making the radical change now suggested."[88]

Five judges ruled that Mabel French was not a person. One abstained.

But French was ultimately successful. In March 1906, four months after the ruling, the New Brunswick Legislative Assembly passed a law which allowed women to study law and to be admitted to the bar. All admissions of women to the study of law prior to the act were also declared legal. A woman was a person. A month later, French was admitted to the bar.

Until 1910, when she moved to British Columbia, she stood in good standing as an attorney, solicitor and barrister of the Supreme Court of New Brunswick and was an active member of the Saint John Council of Women and the Women's Enfranchisement Association.

In Vancouver, French was to fight the same battle for the right to be admitted to the bar. She met with resistance in spite of her qualifications. She brought her case to the British Columbia Court of Appeal in 1911 and lost; the judge ruled that women were not persons. In 1912, the University Women's Club of Vancouver began lobbying on French's behalf and the pressure caused the Attorney General to introduce a law in 1912 allowing women to study and practice law in British Columbia.[89]

Mabel French had won again. Little more is known about her career except that she practiced for several more years in British Columbia before moving to Seattle. She had blazed a trail for personhood from literally one end of Canada to the other.

**A fight for a birthright**

In recent years, aboriginal women have been fighting one of the most dynamic and difficult struggles in the women's rights battle. It embraces the right to retain in law two basic facets of self — one's personal and one's cultural identity — regardless of whom one marries. Their demands for equality have been brought before the Supreme Court of Canada and the United Nations' Human Rights Committee and have made national and international headlines.

The problem lay with the *Indian Act* which stripped aboriginal women who married non-Indian men or men from another band of their Indian status and of the rights and privileges that accompany that status. Legally, the Indian woman could no longer claim to be an Indian. An Indian man who married a non-Indian woman did not lose these rights. In fact, he conferred Indian status upon his non-Indian wife, status which remained hers even upon divorce or widowhood. This situation lasted from 1869 to 1985, when clause 12(1)(b) of the *Indian Act* was changed.

Until this change, the aboriginal woman who married a non-Indian no longer had the right to reside on her home reserve,

losing the familial and communal support needed to keep and transmit her cultural values. She could not inherit family property. If she died her band could refuse her burial on Indian land. And, if she separated or divorced her non-Indian husband, or became a widow, she could not regain Indian status. Only through remarriage with an Indian man could she do so.

She had no right to vote in band elections, no right to the community services administered by the band council and had no right to housing subsidies. She could not benefit from health services nor educational and cultural programs offered status Indians. Her children suffered the same consequences. Although she was compensated for her losses through one payment of a share of band funds, this sum often was negligible when compared to the full assets of the band and to the social and cultural losses the woman sustained.[90]

In adopting the legislation which set off this ostracism in 1869, the Canadian government argued that it wished to prevent white men from dominating reserve lands by buying Indian land through their Indian wives.[91] Based on a patrilineal view of land acquisition (through the male), the rationalization did not conform with the matrilineal cultures of numerous native Indian tribes. At best the legislation was paternalistic and flawed; at worst it was tainted with assimilationism, racism and sexism.

Whatever the intent of the law, its effect was to break "basic link[s] in cultural and linguistic continuity"[92] with each removal of a non-status Indian woman and mother from a reserve. As a pamphlet produced by aboriginal women in New Brunswick explains:

> *The woman embodies the culture and language of any Nation, and once she is gone the Nation has no chance to survive.*[93]

In the late 1960's, Indian women began publicly condemning the effects of 12 (1) (b). Mary Two-Axe Earley, a Mohawk living in Quebec, was one of the pioneers of this movement. She had lost her Indian status through marriage and as a widow could not return to her home reserve. She was one of a number of aboriginal women who testified before the Royal Commission on the Status of Women in Canada on the plight of aboriginal women who had lost their Indian status.

Two-Axe was involved in the formation of the national aboriginal women's group, Indian Rights for Indian Women, in 1971. Canada was brought to international shame in 1975 when Two-Axe reported her plight at the United Nations' World Conference for International Women's Year.

Individual aboriginal women began bringing their grievances to court in the 1970's, beginning with Jeannette Lavell, an Ojibway living in Ontario. She had lost her Indian status upon her marriage to a non-Indian in 1970 and argued that the *Indian Act* contravened the *Canadian Bill of Rights*. She was successful at the appeal court level.

During Lavell's court battles, a second aboriginal woman in a similar situation, Yvonne Bédard, an Iroquois born in Ontario, also went to court. Her lawyer argued that the entire *Indian Act* "was discriminatory on the basis of race and with few exceptions should be repealed."[94] If the concept of Indian status had been abolished by the repeal of the *Indian Act*, Bédard would have been able to reside on her home reserve. Although the judge avoided ruling on the *Indian Act*, Bédard was successful.

Lavell's and Bédard's wins were not to stand. Pressured by male-dominated native Indian organizations, the Attorney General of Canada appealed the Lavell case to the Supreme Court of Canada. Bédard's home reserve, the Six Nations Indian Reserve, similarly appealed Bédard's ruling. The Court heard the cases simultaneously. Lavell and Bédard lost in 1973. Although the Court agreed that 12 (1) (b) discriminated against Indian women, it held by a split decision that the *Indian Act* could not be superseded by the *Canadian Bill of Rights*. 12 (1) (b) could stand.

The next step was to go beyond Canada's courts, to go before the world. Sandra Lovelace, a Maliseet Indian from the Tobique Reserve in northwestern New Brunswick, did just that. With the help of the New Brunswick Human Rights Commission and the moral support of women from Tobique, Lovelace petitioned the Human Rights Committee of the United Nations. She appealed for a ruling on the discrimination she had suffered under the *Indian Act* because she had married a non-Indian. She waited almost four years for a decision. During that wait she was to become an integral part of a large aboriginal women's lobby for reform, experience the bad faith of the government of Canada and witness the continued discord among her own people.

Lovelace and her counsel held that Canada was contravening the *International Covenant on Civil and Political Rights*, which it had signed in 1976. The covenant guarantees each person the right to equal protection before the law without discrimination on the basis of sex; all women and men the right to marry and found a family and the protection of that family from arbitrary or unlawful interference; all ethnic minorities the right to live in a community and to enjoy their own culture, practice and profess their own religion and use their own language.

Lovelace was pushed to take such action by her frustrating fight to receive housing on the Tobique Reserve upon her return to it in 1977 after divorcing her non-Indian husband. Her fight was to fuse with the struggles of other women on the reserve. Refused a house by the chief, she began living in a tent with her young son until the cold weather arrived. She then joined other women who had been occupying the reserve's band office since the summer. These status and non-status single mothers were protesting against their own inadequate, unwinterized housing; discrimination against non-status native Indian women; and matrimonial laws which put the ownership certificate of a reserve home in the man's name and allowed him to own and dispose of the property as he wished, evicting wife and children if he desired.

The occupation lasted until December when the electricity, heat and phone connections were cut off; the band office was set on fire and the protestors were attacked, allegedly by opponents of the women's cause. Lovelace came to her decision to petition the United Nations. The women moved into a motel with assistance from the Department of Indian and Northern Affairs; Lovelace chose to occupy the Tobique jail. The protestors received promises of better housing and of the addition of some women to the band list, and they returned to their homes when warmer weather came. But many of the promises did not materialize.

The Tobique women already had a history of public protest. In 1974 a Tobique native Indian woman had occupied the band office, demanding a house for herself and 10 children after being evicted from her home by her husband. In the early months of 1977, petitions had circulated on the reserve calling for better housing for Indian women.[95]

When it became clear that the government of Canada was ignoring the United Nations' Human Rights Committee's requests of 1978 and 1979[96] for information and observations on the Lovelace petition, Tobique women decided the time had come to act, again. They organized the Native Women's Walk — a 100 mile march on Ottawa.

Women from all over Canada contributed to the financing of the Native Women's Walk.[97] Departing from Oka, Quebec, July 14, 1979, aboriginal women and children of all ages walked five days "through a brutal July heat wave that blistered their faces"[98].The press followed their progress, giving it front-page coverage. Upon the fatigued women's arrival, Prime Minister Joe Clark met privately with Sandra Lovelace and, then Minister of Indian and Northern Affairs, Jake Epp, conferred with the marchers. The Clark government promised amendments to the act.

The federal government saw to it that the Tobique band received $300,000 in extra housing funds but critics alleged that the money was not used to provide housing for needy women and children. In late August 1979, a group of aboriginal women again occupied the Tobique band office, protesting their deplorable living conditions. But, for all their efforts, many remained without decent housing.

Meanwhile, a decision on Lovelace's petition was pending. Having never received a response from the Canadian government, the United Nations' Human Rights Committee decided in August 1979, a month after the Native Women's Walk, that Lovelace's petition was admissible without Canada's input. Finding itself in an embarrassing situation, Canada finally wrote to the committee the following month.

The new Clark government claimed that it intended to introduce legislation to amend the *Indian Act* in the next parliamentary session. But the government fell and all came to naught.

In April 1980, Canada wrote its second letter to the United Nations' Human Rights Committee. This time it was the Liberal government of Pierre Trudeau speaking.

Canada was now promising to change the *Indian Act* only when virtually all Indians unanimously concurred with proposed amendments. Canada failed to acknowledge that the divided opinion among Indians was caused by the *Indian Act*, itself. It had divided the Indian people into favored and disfavored camps, into those with status rights and vested interests to guard, and those without. Some status Indians feared that aboriginal women who had lost their Indian status and had it restituted would return in droves to the reserves, compounding the already critical housing and resources shortage.

Further complicating the situation was the fact that some Indian groups, such as the then National Indian Brotherhood, actively sought for a time to keep the *Indian Act* intact, although they acknowledged it contained discriminatory sections. This ploy dated back to 1969 when the federal government had proposed to abolish the *Indian Act* and all the special rights it granted Indians. This proposal had mobilized a large Indian rights lobby to reaffirm special rights for Indians.

During the 1973 Lavell-Bédard case, such Indian rights groups had feared that the Supreme Court of Canada would rule the *Indian Act* discriminatory by virtue of the *Canadian Bill of Rights* and therefore inoperative. Until these Indian rights groups could have constitutional amendments entrenching their

aboriginal and treaty rights, they were determined to lobby to retain the *Indian Act* since it protected the concept of special rights. The 12 (1) (b) clause served these groups to hold the federal government up to greater shame.

During this period, other women in New Brunswick had begun addressing native Indian women's issues. By 1980, several provincial women's groups had joined the native Indian women's lobby, such as the Saint John Women's Political Action Group, Fredericton Women for Political Action and Voice of Women. The New Brunswick Advisory Council on the Status of Women, which had aided the Tobique women's campaign for funds for their Walk, continued to pressure the federal government for reform. Concurrently, native Indian women organized provincially as the New Brunswick Native Indian Women's Council, following a 1981 provincial conference.

In July 1981, the United Nations' Human Rights Committee found Canada in contravention of the *International Covenant on Civil and Political Rights*. Since Lovelace had married in 1970, before Canada had signed the Covenant, the Committee could not rule on the sex discrimination of 12 (1) (b). However, it could and did rule on its effects. Since her marriage had severed her from her community, Canada was violating her ethnic rights to live and enjoy her culture with her people.

Lovelace had won. She had brought Canada to international shame. But clause 12 (1) (b) remained for a few years yet. In 1980, the government offered exemptions to 12 (1) (b) for bands that requested it. By 1985, only 111 of 560 bands, including 1 of 15 in New Brunswick, had done so.

With the coming into force in 1985 of the equality section of the *Canadian Charter of Rights and Freedoms* and with public opinion on the side of the 16,000 living aboriginal women who had lost status through marriage, 12 (1) (b) could not last much longer. In mid-1985, the government adopted legislation to remove 12 (1) (b), and to restore Indian status to those women who had lost it. However, children of Indian women and non-Indian men are still not on an equal footing with children of Indian men and non-Indian women. The former are considered second generation Indians and must marry another Indian in order to transmit Indian status. Also, band membership for these children is dependent on each band council's decision. Women's groups continue to lobby for real equality on this issue.

### Citizenship

Until 1947, Canadian citizenship did not exist.[99] Anyone born in Canada was a British subject, anyone except certain women and

children. Citizenship was derived from husband and father. A Canadian-born woman lost her birth citizenship if she married a non-British subject; she acquired her husband's status. She could only regain her Canadian status through remarriage to a British subject. An "alien" woman who married a Canadian-born man also received her husband's status, earning what the Canadian-born woman "marrying out" had lost; the "alien" woman retained her new status regardless of whether she divorced or was widowed.

In 1947, Canadian citizenship was established in law. Under the new *Canadian Citizenship Act* the Canadian-born woman no longer lost her citizenship if she married an "alien"; however, those women who before the new act had lost their citizenship did not have it reinstated. And there were other inequities. Alien women who married Canadians could apply for Canadian citizenship within one year while alien men who had married Canadians had to wait five years. Children continued to obtain their citizenship through their fathers.

In 1970, the Royal Commission on the Status of Women of Canada recommended the elimination of these inequities and in 1976 the federal government complied. Women who had lost their citizenship through marriage before 1947 would be allowed to regain it, and Canadian women could confer their citizenship upon their children born outside of the country. In 1968, Margaret Rideout of Moncton was appointed citizenship judge, the first woman to hold that position in New Brunswick.

**Jury duty**

Jury duty has long been considered one of the responsibilities of a citizen. Fundamental to our system of justice is the accused's right to be judged by his or her peers. Moreover, a jury's decision may set precedents which help mold our laws. However, only relatively recently have women been considered able to sit on juries and to judge their peers.

In New Brunswick, this attitude persisted until mid-century. The Business and Professional Women's Club became deeply concerned about the matter and in 1953, Muriel Fergusson presented a brief on the Club's behalf to the provincial cabinet.[100] In 1954, the provincial government amended the *Jury Act*. However, the amendments did not treat women and men equally. While men were automatically liable for jury duty, women had to file a request with the sheriff of their county to have their name placed on the jury list and could have their name removed at a later date if they wished.

In coming years, the Business and Professional Women's Club was to urge women to register for the jury list. However, Muriel Fergusson was not satisfied with the law. She wanted to see women and men held equally responsible for jury duty. In 1971, as a Senator, she introduced a bill to this end. Although it passed the Senate, it did not receive first reading in the House of Commons. But her attempt was not in vain. In June 1972, the federal government amended the *Criminal Code* so that no person could be excused on the basis of sex from jury duty in a criminal proceeding. That same month New Brunswick amended its own *Jury Act* to make women and men equally liable for jury duty.

**Legal pioneers**

For centuries the law has viewed women as the dependents, indeed the property, of men. This view long limited a woman's options, whether she was a wife, a mother, an employee or a person wishing to exercise her citizenship. In spite of this, a number of women in New Brunswick have sought a place in the provincial judicial and law enforcement systems.

1795: New Brunswick has a female executioner, Moll Griff. Her only known execution is the hanging of a Kings County man, John Shanks, who had been found guilty of murdering his wife. The following year Griff is arrested and imprisoned for burglary.[101]

1893: New Brunswick has its first known female law student, Edith L. Hanington.

1896: a second woman, Isabel Mowatt, registers at King's College Law School in Saint John, but neither she nor Hanington go on to become lawyers in the province.[102]

1905: Mabel French, King's College's third female student applies for admission to the New Brunswick bar. Her right to admission is argued in the Supreme Court of New Brunswick and is refused when the judges deem that she is not a person.

1906: the New Brunswick legislature brings in a law allowing women to study and practice law in the province and French is admitted to the bar, the first woman in the province and the second woman in Canada to be admitted to a provincial bar.

1935: Muriel Fergusson, who had been admitted to the bar 10 years earlier, is appointed Judge of Probate in Grand Falls, Victoria County. She is the first woman to hold any sort of judgeship in New Brunswick. She goes on to hold numerous legally-related administrative positions which are firsts for New

Brunswick women. Another 50 years elapse before the second female judge is appointed.

1947: Frances Fish of Newcastle is appointed deputy magistrate for the County of Northumberland, the first woman to hold such a position in New Brunswick. She had been the first woman to graduate from Dalhousie Law School in Halifax (1918) and the first woman admitted to the Nova Scotian bar.

1953: Camille Robichaud becomes the first known francophone woman to be admitted to the New Brunswick bar. She had graduated that year from the U.N.B. law school.

1956: Yvonne Landry Martin, from Grand-Anse, graduates from the U.N.B. law school and is admitted to the bar in the same year; it is to be 1971 before other francophone women of New Brunswick begin following in Robichaud's and Martin's footsteps.

1965: Doris Ogilvie of Fredericton is appointed deputy judge of juvenile court, the first woman to hold such a position in New Brunswick, and is appointed deputy judge of magistrate's court, the second woman, to hold such a position.

1962: Bernadette Zigante becomes the first female police officer (rank constable) in Saint John. It is another 10 years before other New Brunswick cities hire female constables although over the years women had worked as police matrons. Groups such as the Saint John Women's Enfranchisement Association and the Moncton Council of Women had lobbied for police matrons in the early 20th century.

1974: Sheila Sullivan of Lakeville, Westmorland County, becomes the first woman from New Brunswick to join the R.C.M.P. 1974 is the first year women are admitted to the force and Sullivan belongs to the first troop of 32 women accepted.

Women have only very slowly begun to penetrate the ranks of the judicial and law enforcement systems in New Brunswick. Their numbers remain small. Only one female provincial court judge, Patricia L. Cumming, sits in 1985. There has never been a female police chief of any of New Brunswick's police forces. In fact, it has only been since the 1970's that women have begun training in any numbers to become lawyers or police officers.

Between 1906 and 1969, only 38 women were admitted to the bar in New Brunswick, 29 having graduated from the law school of the University of New Brunswick between 1924 and 1969 out of a total of 468.[103] Until 1981, women still made up less than 30% of the University of New Brunswick law graduates, having climbed

in numbers significantly since 1974 when they had made up only 10% of the graduates and since 1970 when there were no female graduates. The Université de Moncton law school opened its doors in 1978 and over 37% of its first graduates were women; they made up 50% of the graduating class by 1983.

The Atlantic Police Academy at Holland College in Prince Edward Island has been training police officers for the Atlantic region since 1971. In that first year, nine of the 40 students were female, one of whom was from New Brunswick, Mary Sharon Adair of Petitcodiac. In 1984, it had three female graduates all of whom were from New Brunswick. As of 1985, Saint John has five female police officers on a force of 191, Fredericton (which hired its first female officer in 1973) has four females on a force of 85 and Moncton (which received its first female officer in 1976) has three female police officers on a force of 112.

Long-standing myths regarding women's capacity to reason and to act logically and calmly, as well as traditional beliefs about women's place in society did not encourage women to study law or to train as police officers. Some people also determined a woman's need for independence by her appearance. A good-looking woman did not need education or employment; supposedly she could get by with a husband. Mary Louise Lynch, a lawyer, a former registrar of the U.N.B. Law School and the first New Brunswick woman on the Parole Board, summed up, in 1950, her experience as a female pioneer in law:

> *I would say that the majority [of people] have a definite idea that a woman lawyer should be plain, dowdy, and pedantic, in short, a blue stocking....you will constantly hear if you happen to look even passingly fair, "you don't look a bit like a woman lawyer" — and this remark is supposed to be a compliment.*[104]

The *Canadian Charter of Rights and Freedoms* now guarantees sexual equality. Gone are the days when the law viewed women as dependents. The time has come for full personhood.

# References

## "Agitate, Educate, Organize": An Introduction


1. W.S. MacNutt, *New Brunswick, A History: 1784-1867* (Toronto, 1963), p.48.
2. Marc La Terreur, *Dictionary of Canadian Biography, 10* (Toronto, 1972), p.289.
3. George MacBeath and Dorothy Chamberlin, *New Brunswick: The Story of our Province* (Toronto, 1965), p.1.
4. *Ibid.*, p. 328.
5. "Occupations of People", *Census of Canada*, 1911, Table 4, p. xv, Table 7, p. xvii.
6. "Labour Force: Historical Tables", Bulletin 3. 1-1, *Census of Canada*, 1961, Table 1, p. 1-1, and Isabelle McKee-Allain, Huguette Clavette, *Portrait socio-économique des femmes du Nouveau-Brunswick*, 1, 77 and Census of Canada, 1981, Census division and subdivisions, Catalogue E-562, Table 1-1.
7. Calculated from tables from *Census of Canada*, 1961, and McKee-Allain et al, 1, 83 and from calculations based on *Census of Canada*, 1981, Census Tracts, New Brunswick, Catalogue 93-916.
8. *Report of the Eleventh Convention of the New Brunswick and Prince Edward Island Women's Christian Temperance Union* (Saint Stephen, 1917) p.29.

# Chapter I: "Stepping Stones"

1. Margaret Ells, "Loyalist Attitudes", *Historical Essays on the Atlantic Provinces*, ed. G.A. Rawlyk (Toronto, 1967), p.59; W.S. MacNutt, *New Brunswick, A History: 1784-1867* (Toronto, 1963), p.27; Léon Thériault, *Petit manuel d'histoire d'Acadie de 1755 à 1867* (Moncton, 1976), p. 18.
2. Leo A. Johnson, "The development of class", *Capitalism and the National Question in Canada*, ed. Gary Teeple (Toronto, 1972), p.178, for note on male dominance in European family values.
3. The extent to which the aboriginal, Acadian and German peoples' legal and political systems influenced the dominant British system is beyond the scope of this work.
4. The Blacks counted among their numbers free Blacks, Black Loyalists, slaves or indentured servants brought by other Loyalists, and those who had been slaves in Acadia; see W.A. Spray, *The Blacks in New Brunswick* (Fredericton, 1972), pp. 11, 16.
5. The aboriginal peoples and the Acadians, however, ceded territory, in one way or another, to the incoming Loyalists. See G.P. Gould, A.J. Semple, *Our Land: The Maritimes* (Fredericton, 1980), p. 30 and Emery LeBlanc, Jean Daigle, Père Anselme Chiasson, *L'Histoire du Nouveau-Brunswick* (Toronto, 1971), pp. 48-49. Although daily survival needs and work were much the same among the peoples of early New Brunswick, this reorganization of territory and regrouping of ethnic populations were to have long-term political consequences for the minorities. Linguistic, cultural and religious differences would contribute to their further exclusion from the dominant political system.
6. A person's ability to petition depended to some extent on being literate and having a basic knowledge of government structure (whom to petition), or at least on knowing whom to approach for help in drawing up a petition.
7. John Garner, *The Franchise and Politics in British North America 1755-1867* (Toronto, 1969), p. 54.
8. Indian women and men living on reserves in New Brunswick were given the provincial vote in 1963.
9. Garner, p.54.
10. *Ibid.*, also pp. 3-4.
11. *Ibid.*, p.54.
12. "An Act for Regulating Elections of Representatives in General Assembly, and for limiting the duration of Assemblies in this Province", as reproduced in *The Acts of the General Assembly of New Brunswick*, 1824, pp. 221-236.
13. Garner, pp. 56, 147, 155. Thomas Carleton and the leading Loyalists with their "autocratic concepts and Episcopalian beliefs" (*Ibid.*, p. 137) sought to preserve a Protestant, class society.
14. See discussion of *Chorlton v Lings* (1868) and *Nairn v University of St. Andrews* (1909) in Gail Brent's article "The Development of the Law Relating to the Participation of Canadian Women in Public Life", *University of Toronto Law Journal*, 25 (1975), 360-363.
15. *Ibid.*, 361; also see Brent for her discussion of woman's status at law.
16. Property qualifications were required until 1889. Blacks were barred from voting in the early years (Spray, pp. 33-4), and the aboriginal peoples were effectively segregated from the white government since the early 19th century and officially disallowed from voting in New Brunswick provincial elections between 1889 and 1963 (between 1952 and 1963 this restriction applied to Indians on reserves). Catholics could not vote until after 1810 when the oaths which affected Roman Catholics were lifted.
17. The letter signed "One who voted for Mr. Jardine" appeared in the *Gleaner and Northumberland Schediasma*, October 30, 1830.
18. *Reports of the Debates of the House of Assembly of the Province of New Brunswick, During the Session of 1870* (henceforth: *Reports*), p. 107; speaker, William Hazen Needham. *Synoptic Report of the proceedings of the House of Assembly of the Province of New Brunswick for the Session of*

*1894* (henceforth: *Synoptic*), p. 158; speaker: Amasa A. Killam; p. 161, speaker: Henry R. Emmerson. Further research needs to be done to establish the accuracy of their statements.

19. *Reports*, 1870, p. 107; speaker: Needham. Further research has not confirmed Needham's statement. The act to incorporate the city of Fredericton was passed in 1848. It restricted voters to all male inhabitants of 21 years. No city charter could be found.
20. More research is required to uncover the dynamics of this situation. In 1895, during the women's suffrage debate in the Legislative Assembly, anti-suffragist Premier A.G. Blair attested to the fact that female friends and relatives mounted lobbies in private when he warned members to "act regardless of their sympathies or the entreaties of their lady friends and without regard to personal political effects", *Synoptic*, 1895, p.94. Studies of women's influence in other jurisdictions also suggest that it may indeed have been significant. See Gerda Lerner, "New Approaches to the Study of Women in American History", *Journal of Social History*, 3 (1969-70), 61.
21. The first Acadian was not to be elected to the House of Assembly until 1846 and relatively few Acadian men were to be elected for many years after, due, in large part, to the absence of an Acadian middle class until the end of the 19th century. See Philippe Doucet, "La Politique et les Acadiens", *Les Acadiens des Maritimes: Etudes thématiques*, ed. Jean Daigle (Moncton, 1980), p. 247.
22. Spray, p. 34.
23. New Brunswick Legislative Library, *Elections in New Brunswick*, ed. Jocelyne LeBel (Fredericton, 1984), pp. 13-14.
24. See *The Graves Papers*, 6, 73, n.d. and MacNutt, pp. 14-15.
25. Katherine F.C. MacNaughton, *The Development of the Theory and Practice of Education in New Brunswick 1784-1900* (Fredericton, 1947), p.47.
26. MacNutt, pp. 199-200.
27. Jaddus-N. LeBlanc, "Le Village de St-Antoine", *L'Histoire de la paroisse de St-Antoine*, ed. Evariste Leger, 1967, p.5.
28. Translation by author of Julien Rioux's letter to Bishop William Dollard, Cocagne, October 18, 1846, Correspondence Dollard-651, Archives of the Diocese of Saint John.
29. *Ibid.*, original wording: "Cette mauvaise femme menace déjà que lorsque l'église sera finie c'est elle qui en aura les clefs en mains".
30. *Ibid.*, original wording: "c'est elle qui gouverne tout dans ce village".
31. *Ibid.* Information on this story was also gleaned from the research of Ronnie Gilles LeBlanc, M.A. (history), Université de Moncton, with verification of the acts of the Grand-Digue registers at the Centre d'études acadiennes (henceforth C.E.A.).
32. Oral evidence from Juanita Perley, Tobique Reserve; Alma Brooks, N.B. Native Indian Women's Council, Fredericton, August, 1984. Also based on correspondence with researcher Andrea Bear Nicholas, Tobique Reserve, September, 1985. Also see John Upton Terrell and Donna M. Terrell, *Indian Women of the Western Morning: Their Life in Early America* (New York, 1976), pp. 24-8.
33. D.G. Bell, *Early Loyalist Saint John: The Origin of New Brunswick Politics 1783-1786* (Saint John, 1983), pp. 114-115.
34. *Ibid.*, p.114.
35. Much more research is required regarding women petitioning in the late 18th and 19th century in New Brunswick. The information presented here is incomplete.
36. Bell, p. 58.
37. *Ibid.*, pp. 137-142.
38. For example: granting of land to widows Boullet and Giroux, among others, Caraquet, 1787, 1.87-3, C.E.A.; granting of land to Marie Marguerite Daigle, among others, St-Basile, Madawaska, 1791, 1.87-3, C.E.A.; request for land at Bouctouche from Anne Léger and other men, 1794, Al-1-6, C.E.A.; request

for land at Kouchibouquac from Anne Bastarache, widow of Jean Babineau, 1799, Al-4-4, C.E.A.; request for land at Haute-Aboujagane from, among others, Marie Bourgeois, widow of Joseph Bourgeois, 1815, Al-4-4,C.E.A. More research is required to determine the relative numbers of francophone and anglophone women who petitioned for land during the early history of the province and how many of their requests were heeded.

39. Petition of Phebe McMonagle, 1808. Read July 15, 1808 and referred to the Committee of Supply. Granted. Public Archives of New Brunswick (henceforth P.A.N.B.), S19-P5.
40. See examples of petitions from widows of old soldiers of the Revolutionary War in "An Act to appropriate a part of the Public Revenue for the services therein mentioned", *Acts of the General Assembly of Her Majesty's Province of New Brunswick* (henceforth: *Acts G.A.)*(Fredericton, 1855). See p. 77 for an example of a daughter of such a widow petitioning for financial aid.
41. MacNaughton, p. 89.
42. *Ibid.*
43. Alison Prentice, "The Feminization of Teaching", *The Neglected Majority: Essays in Canadian Women's History*, ed. Susan Mann Trofimenkoff and Alison Prentice (Toronto, 1977), pp.49-65.
44. For examples see section of petitions in the index of the *Journals of the House of Assembly of the Province of New Brunswick* (henceforth *Journals)*, 1854, p.xiv, for the petitions for teacher's salary of Elizabeth Doiron and Henriette Doiron, and p. xl for the petition for teacher's salary from Deline Pelletier.
45. Spray, Appendix X1.
46. See the petitions calling for prohibition in *Journals*,1854, e.g. pp. xliv, lviii. The petitioners wanted "to prevent the importation, manufacture and sale of all intoxicating liquors in this province"(as stated in the petition of Lydia Porter and sixty other female inhabitants of Queens County, *Journals*, 1854, p. xlix). The Acadian counties would staunchly remain "wet counties"; however, the prohibition lobby from female and male temperance groups in the southern counties was so strong that laws against the sale of liquor were enacted in 1853 and again in 1856. See MacNutt, pp. 350-1, 358-361. Neither of the prohibition laws was long lived.
47. Recall that class, education, language, geography, and religion were all factors which acted either to restrict or encourage the expression of women's political voice, limited as it was. The relative importance and interaction of these factors require further analysis.
48. "An Act to improve the Law relating to the Election of Representatives to serve in the General Assembly", as reproduced in *Acts G.A.*, 1845, p.138.
49. Eleanor Flexner, *Century of Struggle: The Women's Rights Movement in the United States* (Cambridge, Massachusetts, 1968), p. 164.
50. *Ibid.*
51. Brent, 360.
52. See Garner, p. 155 for dates and discussion of colonies which restricted voting rights to males and Micheline Dumont et al., *L'Histoire des femmes au Québec depuis quatre siècles*(Montreal, 1982), pp. 125-128, 149-150 for more details on the Quebec experience.
53. *The Feminist Papers*, ed. Alice S. Rossi (Toronto, 1973), p. 419.
54. Catherine L. Cleverdon as cited in Micheline Dumont, et al, p. 150.
55. Records have not been uncovered to indicate that women in British North America exercised the franchise after 1840 (example in Nova Scotia) and in New Brunswick, in particular, not after 1837, Garner, pp. 155-157. Micheline Dumont et al., p. 150. *Reports*, 1870, p.107.
56. See Brent, 362, 367 for notes on John Stuart Mill's attempt at enfranchising women in 1867. Also see *The Feminist Papers*, pp. 183-196 for more discussion on Mill, especially regarding his wife's Harriet Taylor Mill's large contribution to his work.
57. Flexner, p. 173.

58. *Ibid.*,p. 163. Flexner notes that the right to vote was removed from Utah women in 1887 when Congress retaliated against plural marriages among Mormons in Utah, disenfranchising women but not men for the crime. Utah women were to regain the right to vote in 1896 when the Mormon Church renounced plural marriages.
59. *Reports*,1870, p. 107; speaker: Needham.
60. *Ibid.*
61. *Ibid.*; speaker: George E. King.
62. *Ibid.*; speaker: George W. White.
63. *Synoptic*, 1917, p. 157; speaker: David W. Mersereau.
64. *Reports*, 1870, p. 107; speaker: John A. Beckwith.
65. *Ibid.*; speaker: Angus McQueen.
66. *Ibid.*; speaker: King.
67. *Ibid.*; speaker: Needham.
68. *Ibid.*
69. *Ibid.*; p.108; speaker: King.
70. *Ibid.*; p. 107; speaker: Needham.
71. *Ibid.*;speaker: White
72. New Brunswick waited until 1934 to allow women to hold public office, 15 years after granting women the provincial franchise.
73. The asterisks indicate where the wording has been altered for easier reading. The original phrasing is: "I can see no contingencies in giving the vote to educated women the least comparable to the danger in increasing the influence of the ignorant mob over the legislature of the country". See "LETTER 69", dated December 8, 1868, in *Canada Home:Juliana Horatia Ewing's Fredericton Letters 1867-1869*, eds. Margaret Howard Blom and Thomas E. Blom (Vancouver, 1983) p. 240.
74. *Reports*, 1870, p. 107; speaker: Needham.
75. *Synoptic*,1889, p.65; speaker: Emmerson
76. *Ibid.*, 1894, p. 163; speaker: Stockton.
77. *Ibid.*, p. 158; speaker: Herman H. Pitts.
78. Flexner, pp. 142-149.
79. On occasion, disparaging remarks were also made of Blacks. For example, while quibbling over a minor point in the manhood suffrage argument Premier Blair accused his opponent of "seeing a number of negroes in the woodpile", *Synoptic*, 1889, p. 64. In the same session, suffragist Silas Alward, arguing for women's suffrage in New Brunswick, asked, "Shall we say that the former negro slaves are more competent to exercise the franchise than the intelligent refined women of our country?", p. 96.
80. *Ibid.*, 1894, p. 163; speaker: Stockton.
81. *Synoptic*, 1895, p. 95; speaker: Emmerson.
82. *Ibid.*, pp. 95-6.
83. Mary Wollstonecraft's work was not widely known by mid-19th century American feminists and the few who were aware of it "were uniform in their disapproval". *The Feminist Papers*, p.39. But "by 1889, when Susan Anthony and Elizabeth Cady Stanton [leading American suffragists] published the first volumes of the *History of Woman Suffrage*, Mary Wollstonecraft's name stood first in the list of earlier feminists to whom the suffrage history was dedicated". *Ibid.*,p. 40. Few women in Quebec were aware of Wollstonecraft's work in the early part of the 19th century. Micheline Dumont et al., p. 128. It has yet to be established whether New Brunswick women had been initiated to Wollstonecraft's work, perhaps during travels through the north-eastern United States, especially to Boston or New York. Also see *The Feminist Papers*, p. 183 for discussion of American suffragists' use of John Stuart Mill's *The Subjection of Women*.
84. In 1895, anti-suffragist Henry A. Powell dismissed John Stuart Mill, as an atheist and Mary Wollstonecraft as a free love advocate. Mary Eileen Clarke, "The Saint John Women's Enfranchisement Association 1894-1919" (unpublished M.A. thesis, University of New Brunswick, 1979), p.137. In 1886, William Pugsley referred favorably to the suffrage lobbies of John

Stuart Mill's (step) daughter, Helen. *Synoptic*, 1886, p.22. Members also recalled how Mill's 1867 women's enfranchisement amendment was defeated. For example, *Synoptic*, 1889, p. 90; speaker: Blair.

85. Clarke, p. 84; Catherine L. Cleverdon, *The Woman Suffrage Movement in Canada* (Toronto, 1974), pp. 178-9.
86. Clarke, p. 65.
87. *Ibid.*
88. *Ibid.*, pp. 65, 124.
89. *Ibid.*
90. Cleverdon, p. 178.
91. *Journals*, 1886, p. 79; cited from a petition sent from women of Saint Stephen.
92. Cleverdon, p. 178.
93. "An Act to extend the Franchise to Widows and unmarried Women in Municipal Elections", *Acts G.A., 1886*, p. 285.
94. *Journals*, 1886, p.21.
95. Cleverdon, p. 178.
96. Proof of this cannot be found in the *Journals* of 1887. However, Killam refers to the W.C.T.U. petitions of 1887 while speaking in the house in 1894 (p.150). See also Clarke, p.66.
97. *Ibid.*
98. Recall that the bill also disenfranchised "lunatics, prisoners, paupers and Indians," Legislative Library, *Elections in New Brunswick*, p. 13.
99. *Synoptic*, 1889, p.42; speaker: Joseph L. Black.
100. *Ibid.*,p.65; speaker: Emmerson. A comma has been added after "want".
101. Clarke, p. 132.
102. *Synoptic*, 1889, p. 71; speaker: William Wilson.
103. *Ibid.* Note: "man" was used when Wilson was referring to manhood suffrage.
104. *Ibid.*, 1895, p. 96; speaker: Emmerson.
105. *Ibid.*, 1889, p. 94; speaker: Emmerson.
106. *Ibid.*, 1895, p. 96; speaker: Emmerson. In this quotation the word "adheres" is used. However, in the reproduction of this debate in *The Daily Telegraph*, Saint John, February 27, 1895 "inheres" is used, which is probably the word intended.
107. *Ibid.*, 1917, p. 82; speaker: William F. Roberts.
108. *Ibid.*, 1913, p. 26; speaker: Leonard P.D. Tilley.
109. *Ibid.*, 1909, p. 187; speaker: J.W. Baker.
110. *Ibid.*, 1899, p. 64; speaker: Emmerson
111. *Ibid.*, 1889, p. 91; speaker: Blair.
112. *Ibid.*, 1894, p. 159; speaker: Blair.
113. *Ibid.*, 1899, p. 66; speaker: William Pugsley.
114. Clarke, p. 127.
115. *Synoptic*, 1895, p. 98; speaker: Pitts.
116. *Ibid.*
117. Clarke, p. 128
118. *Ibid.*
119. *Ibid.*
120. *Synoptic*, 1895 p. 101; speaker: Henry A. Powell.
121. *Ibid.*,1899, p.66; speaker: George Robertson. See also *Synoptic*, 1895, p. 101 when anti-suffragist Powell referred to Edith Archibald's suffrage brief. Archibald was president of the W.C.T.U. of the Maritime Provinces. She had submitted a brief affirming that "women did not want to go begging; that they wanted to become citizens with all their rights and responsibilities". Powell declared that he did not believe Archibald's assertions.
122. Blair, for instance, insisted that the women's suffrage "question is not one of justice", *Synoptic*, 1895, p. 93.
123. *Ibid.*, 1894, p. 159; speaker: William T. Howe.
124. *Ibid.*,1899, p.65; speaker: James E. Porter.

125. *Synoptic*,1889, p.88; speaker: Stockton.
126. Clarke, p. 114.
127. *Ibid.*, for examples, see *Synoptic*, 1895, p. 95; speaker: Blair, and *Synoptic*, 1894, p. 160; speaker: George F. Hill.
128. *Ibid.*, 1895, p.95; speaker: Blair.
129. For example, *Synoptic*, 1889, p. 92; speaker: Blair.
130. *Ibid.*, p.98; speaker: Robert J. Ritchie.
131. *Ibid.*
132. *Ibid., p. 92;* speaker: Blair.
133. *Ibid.*, 1917, p. 159; speaker: Jean G. Robichaud.
134. *Ibid.*,1894, p. 162; speaker: Powell.
135. *Ibid.*,1889, p. 92; speaker: Blair.
136. *Ibid.*,pp. 98-99; speaker: Ritchie.
137. *Ibid.*, 1894, p. 162; speaker: Powell.
138. *Ibid.*
139. *Ibid.*
140. One exception was William Currie, who suggested that men must realize their responsibility to the home and be willing to share in its protection. *Synoptic*, 1909, p. 187.
141. *Ibid.*, 1889, p. 69; speaker: David R. Moore.
142. *Ibid.*, p. 89; speaker: Wilson.
143. *Ibid.*, 1917, p. 83; speaker: Roberts.
144. *Ibid.*, 1909, p. 185; speaker: Alphonse Sormany.
145. Clarke, p. 119.
146. *Ibid.*
147. *Ibid.*
148. *Ibid.*
149. Garner, p.59.
150. Clarke, p. 119.
151. John Edward Belliveau, *Running Far In: The Story of Shediac* (Windsor, Nova Scotia, 1977) p. 117.
152. *Ibid.*
153. *Synoptic*, 1889, p. 97; speaker: Marcus C. Atkinson.
154. *Ibid.*, 1917, p. 159; speaker: Pierre J. Veniot.
155. *Ibid.*, 1909, p. 187; speaker: Baker.
156. *Ibid.*, 1894, p. 162; speaker: Powell.
157. *Ibid.*, 1889, p. 65; speaker: Emmerson. See also *Synoptic*, 1889, p. 65, speaker: Emmerson; and p. 104, speaker: Stockton.
158. *Ibid.*, p. 160; Speaker: Hill.
159. Clarke, p. 117.
160. *Ibid.*
161. *Synoptic*, 1889, p. 99; speaker: Ritchie.
162. *Ibid.*, p. 101; speaker: White.
163. *Ibid.*, p. 98; speaker: Ritchie.
164. *Ibid.*, 1917, p. 83; speaker: Roberts.
165. *Ibid.*, 1889, p.91; speaker: Blair. The question mark has been replaced after quotation marks.
166. *Ibid.*, p. 99; speaker: Ritchie.
167. *Ibid.*, p. 98; speaker: Stockton.
168. *Ibid.*, 1894, p. 158; speaker: Pitts.
169. *Ibid.*, 1889, p. 94; speaker: Emmerson.
170. *Ibid.*, 1917, p. 83; speaker: Roberts. A comma has been added after "politics" in the last sentence.
171. *Ibid.*, p.82.
172. These women would have been from the poorer class, especially women alone (never married, deserted, widowed) or single female heads of families. Their options were mainly restricted to domestic and cleaning work, teaching or caring for children in private homes, and, for a few in extreme circumstances,prostitution. A few women became midwives. As the province developed, becoming a nun

became a real possibility for Roman Catholic and Anglican women. See also Sheva Medjuck, "Wooden Ships and Iron People: The Lives of the People of Moncton, New Brunswick 1851 to 1871" (PhD thesis, York University, 1978), pp. 137-138 for work patterns of Moncton women between 1851 and 1871.

173. See Clarke, pp. 14-23 for an in-depth discussion of working women in the late 19th and early 20th centuries.
174. However, a woman had little real choice in the type of work she could do outside the home. Societal beliefs about woman's place restricted all but the most defiant woman's choices. And, it was socially acceptable that she work only if she were forced to because she was alone or supporting her family, and because she was poor or in dire straits.
175. *Synoptic*,1889, p. 96; speaker: Alward.
176. *Ibid.*, p.71; speaker: Wilson.
177. *Ibid.*, 1899, p. 64; speaker: Emmerson.
178. John G. Reid, *The Mount Allison Ladies' College* (Sackville, 1984), p.1. See also Reid's "The Education of Women at Mount Allison, 1854-1914", *Acadiensis*, 12, 2 (1983), 3-33, for a detailed discussion of women's education at that institution. Note that the first woman to receive a bachelor's degree in the British Empire was Grace Annie Lockhart who graduated from Mount Allison College with the degree of Bachelor of Science and English Literature in 1875. Harriet Starr Stewart graduated from the same institution in 1882, becoming the first woman in Canada to graduate with a Bachelor of Arts degree.
179. Linda Squiers Hansen, *Those Certain Women* (Fredericton, 1982), pp. 2-3. See also *The Letters of James and Ellen Robb*, ed. Alfred Goldsworthy Bailey (Fredericton, 1983), pp. 3, 26, 28. Note that Mary Tibbits and Florence Caie were the first women to graduate from the University of New Brunswick, doing so in 1889.
180. *Synoptic*, 1889, pp. 65-66; speaker: Emmerson.
181. *Ibid.*, 1894, p. 159; speaker: James Russell.
182. *Ibid.*, 1889, p. 89; speaker: Wilson.
183. *Ibid.*, p. 90; speaker: Blair.
184. *Ibid.*, p. 99; speaker: Ritchie.
185. *Ibid.*, p. 92; speaker: Blair.
186. Alfred Tennyson, "The Princess", *Victorian People and Ideas*, ed. Richard D. Altick (New York, 1973), p.53.
187. *Synoptic*, 1909, p. 185; speaker: Sormany.
188. *Ibid.*
189. *Ibid.*
190. *Ibid.*, 1889, p. 96; speaker: Alward.
191. *Ibid.*, p. 92; speaker: Blair.
192. *Ibid.*, speaker: Stockton.
193. *Ibid.*, speaker: Blair.
194. *Ibid.*, p. 88; Stockton refers to "the scene presented in the gallery and on the floor of this house tonight to find a sufficient refutation to that objection...that ladies had no interest in this matter [suffrage] and were not asking for this legislation".
195. *Journals*, 1891, p. xxvii.
196. *Ibid.*, 1892, p.xxix.
197. *Synoptic*, 1894, p. 157; speaker: Stockton.
198. *Journals*, 1895, pp. xxix, xxx, 20.
199. *Synoptic*, 1894, p. 159; speaker: Blair.
200. *Ibid.*, 1895, p. 94; speaker: Blair.
201. *Ibid.*, 1917, pp. 159-60; speaker: Veniot.
202. *Ibid.*, 1889, p.88; speaker: Stockton.
203. *Ibid.*, 1895, p. 103; see Phinney's comments regarding intoxicated men at the polls.
204. Clarke, pp. 63-64. The suffrage club formally affiliated with the

parent body (Dominion Women's Enfranchisement Association) in 1896, becoming the New Brunswick branch of the Women's Enfranchisement Association of Canada.

205. Cleverdon, p. 179.
206. Clarke, p. 156.
207. *Ibid.*, p.43.
208. *Ibid.*, p.41.
209. *Ibid.*, p. 42.
210. *Ibid.*, p. 39. The other male member of the W.E.A. was Rabbi Samuel Rabinowitz.
211. *The Grave Papers*, 1, 88 and 7, part 2, 51.
212. Clarke, p.91.
213. *Ibid.*, p.93.
214. *Ibid.*, p.50.
215. *Ibid.*, p. 92
216. *Ibid.*
217. *Ibid.*
218. *Ibid.*, pp. 80-2 for tensions between W.E.A. and the Local Council of Women. Also see Cleverdon, p. 181 for note on the W.C.T.U.'s rebuff of the W.E.A.
219. *Ibid.*, p. 183.
220. *Ibid.*
221. *Ibid.*, pp. 180, 183.
222. See Clarke, pp. 50-62 for her discussion of the real possibilities for leisure time that the W.E.A.'s members had. She found that although half of the club's membership was of the upper class with the financial resources to hire household help, half of the membership was middle class women, who, for the most part, had not the financial resources either to hire such help or to buy the newly-marketed household appliances like vacuum cleaners. These members' time was still largely consumed by the running of their households in long hours of baking and preserving, of cleaning, washing and sewing, and seeing to the replenishment of household needs. A number of the members were also single women with jobs; they obviously had little leisure time after a day's work and an evening of household chores. The fact that these women with only limited leisure time had chosen to use it to promote the cause of women's suffrage rather than one more clearly aligned with the status quo suggests that they were women of innate vision and imagination. They had apparently long questioned, at some level, woman's assigned place in society and were by the mid-1890's ready to voice publicly their views.
223. Cleverdon, p. 181.
224. *Ibid.*
225. *Ibid.*
226. *Ibid.*, p. 182.
227. *Ibid.*
228. Liberal translation from the sentence: "Durant c'temps les femmes souffre d'envie de se rendre au polls pour montrer à nos vieux comment voter", ed. Pierre Gérin and Pierre M. Gérin, *Marichette, Lettres acadiennes 1895-1898* (Sherbrooke, 1982) p. 52; the letter is titled "LETTRE OUVERTE" and dated February 9, 1985. See also p. 59 for expressions of similar sentiment on women voting in a letter dated February 28, 1895.
229. See Cleverdon, p. 181, for discussion of 1894 suffrage petitions in New Brunswick and p. 160 for discussion of 1895 suffrage petitions in Nova Scotia.
230. Gérin and Gérin, pp. 35-39; Thérèse Lemieux at Gemma Caron, *Silhouettes acadiennes* (La Fédération des Dames d'Acadie, 1981), pp. 18-19.
231. Gérin and Gérin, p. 218; reproduction of the editorial of *L'Evangéline*, April 18, 1895.
232. Ibid., p. 217; reproduction of the editorial of *Le Moniteur acadien*, August 24, 1897.
233. Cleverdon, pp. 182-3.

234. *Ibid.*, p. 180.
235. *Ibid.* See p. 183 for discussion of this particular lobby.
236. *Synoptic*,1899, p. 66; speaker: John Douglas Hazen.
237. *Ibid.*
238. Ibid.
239. *Ibid.*
240. *Minute Books* of the Women's Enfranchisement Association (2 volumes), held at the New Brunswick Museum, Saint John, I, 112. Hereafter cited as *Minute Books*.
241. Clarke, p. 64.
242. *Ibid.*, pp. 75-6.
243. Cleverdon, p. 181.
244. Clarke, p. 70.
245. *Ibid.*, pp. 70-72, pp. 147-152.
246. Cleverdon, p. 185.
247. See R. Philip Campbell, *Challenging Years, 1894-1979: 85 Years of the Council of Women in Saint John* (Saint John, 1979), pp. 21-24 for a discussion on why the Local Council of Women was slow in taking up the suffrage cause. His contention that suffragism frequently appealed to "the emotional, rather than rational faculties" (p. 22) is questionable.
248. *Minute Books*, I, 152.
249. *Ibid.*, p. 153. On April 12, 1902 the W.E.A. withdrew the resolution for severance that had been adopted February 8, 1902.
250. Clarke, p. 83.
251. *Ibid.*, pp. 83-4. Also see *Minute Books*, I, 175-176. The W.E.A. members also examined the educational system in Norway and Sweden. It is interesting to note that women still look to Sweden for examples of legislative reform.
252. Cleverdon, p. 186.
253. MacNaughton, p. 140.
254. Clarke, p. 81. This is Clarke's interpretation of Helmes' opinion.
255. *Ibid.*, quotation from actual letter.
256. *Ibid.*, p. 82; Clarke's interpretation of the letter.
257. *Ibid.*, quotation from actual letter.
258. *Ibid.* The quotation in single quotation marks is from the actual letter; "not the one fettered" is Clarke's text.
259. Cleverdon, p. 186.
260. See Ella Hatheway's letter to the editor of the *Globe*, titled "Mrs. W.F. Hatheway's Proposed Address", *Globe*, Saint John, April 15, 1912, p. 7.
261. See Clarke, p. 86 for explanation of the legislative tactic Murray used.
262. *Minute Books*, I, 182.
263. Cleverdon, p. 188.
264. *Minute Books*, I, 210. See also David Mitchell, *The Fighting Pankhursts: A Study in Tenacity* (New York: 1967), for more information on the Pankhurst family.
265. *Minute Books*, I, 211. Also see "Leader Defends Militant Tactics of Suffragettes", *The Daily Telegraph*, Saint John, January 16, 1912, p.2.
266. Cleverdon, p. 187.
267. *Journals*, 1912, p. 120.
268. Hatheway, letter to the editor of the *Globe*, p.7.
269. Clarke, p. 100.
270. *Ibid.*, p. 102.
271. *Minute Books*, I, 214.
272. *Synoptic*, 1913, p.22; speaker: Munro. Also see Clarke, p. 98 for discussion on why the Saint John W.E.A. changed its name to the Saint John Branch of the Canadian Suffrage Association, as well for discussion on the W.E.A.'s relationship with its parent body.
273. *Ibid.*, p. 25; speaker: James L. Stewart.
274. *Ibid.*
275. Cleverdon, p. 188.
276. Clarke, p.91.

277. Cleverdon, p. 188.
278. Clarke, p. 105.
279. Cleverdon, p. 192.
280. Clarke, p. 101.
281. *Synoptic*, 1917, p. 157; speaker: Clifford W. Robinson.
282. *Ibid.*
283. Clarke, p. 106; Cleverdon, p. 198.
284. *Minute Books*, II, 104.
285. *Ibid.*
286. *Synoptic*, 1917, p. 160; speaker: Veniot.
287. Clarke, p. 107, for notes on the mobbing of Veniot.
288. *Ibid.*, Clarke's interpretation of speaker's words.
289. *Ibid.*, actual words of speaker.
290. *Ibid.*
291. *Synoptic*, 1918, p. 58; speaker: James A. Murray; also see Tilley's remarks, p. 59.
292. *Ibid.*, p. 60; speaker: Walter E. Foster.
293. The questionable suffrage reforms of the Conservative Prime Minister Borden's government caused splits in suffrage groups as their members tried to reconcile its pragmatism with their own idealism. Borden was intending to fight the next federal election (December 1917) on the conscription issue. In October 1917, after months of negotiation, the Conservatives had formed a coalition government (the Union government) with Liberals who supported conscription. The policy was not only very unpopular in Quebec but also in "those areas of the Prairie Provinces where there were large elements of foreign-born, some of whom had left their native lands partly to escape compulsory military service laws" (Cleverdon, p. 122) and in British Columbia, especially among members of its labor movement. A month earlier the Borden government had passed the *Military Voters Act*, allowing all female and male members of the armed forces to vote in federal elections held during the war. The government had then passed the highly controversial *Wartime Election Act* which disenfranchised all conscientious objectors to the war (including such religious groups as the Mennonites and the Doukhobors) and all people born in enemy countries and naturalized since 1902 (disenfranchising in other words all voters who would likely vote against conscription and the war effort in general in the next federal election). The act then enfranchised a huge group the Borden government believed would be favorable to conscription - all women 21 years or older who were British subjects and who had a close relative serving in the armed forces of Canada or Great Britain. A British subject was a Canadian-born woman or a woman married to a Canadian man or to a British subject; however, a woman who had been a British subject and was now married to a non-British subject could not vote as her marriage had caused her to lose her British citizenship. Borden's unethical suffrage strategy worked. The Conservatives won the 1917 federal election and acknowledged that in large part their win was due to the particular group of women they had chosen to enfranchise. Estimates of the size of that new electorate range from half a million to a million voters. It would seem that most new voters exercised their right. They had been actively encouraged to do so not only by the two major parties but also by preachers and the press. See Cleverdon, pp. 122-130, for further discussion.
294. Clarke, p. 109.
295. Cleverdon, p. 195.
296. *Synoptic*, 1919, p. 12; speaker: A. Allison Dysart.
297. *Ibid.*, p. 124; speaker: James P. Byrne.
298. *Ibid.*, speaker: Frank L. Potts.
299. *Ibid.*
300. *Ibid.*
301. *Ibid.*, p. 295; speaker: Francis J. Sweeney.

302. *Ibid.*, p. 294; speaker: Francis C. McGrath.
303. *Ibid.*, 1895, p. 97; speaker: Emmerson.
304. There were, however, anti-suffragist lobbies elsewhere, as in the United States where breweries and other businesses and industries who feared the women's vote for various reasons actively lobbied against women's suffrage. These groups also gave strong financial backing to those women who worked against women's suffrage (invariably these women were of the upper class and had had little experience in the day-to-day realities of the average women). See Flexner, pp. 294-305, for further discussion on this conflict.
305. *Synoptic*,1917, p. 158; speaker: Robinson.
306. *Ibid.*, 1889, p. 89; speaker: Wilson.
307. *Ibid.*, 1894, p. 160; speaker: Alward.
308. *Ibid.*, 1895, p. 98; speaker: Pitts.
309. See, for example, *Synoptic*, 1889, p. 92; speaker: Blair, who referred to Wyoming and Kansas as "countries but crude and rude, emerging from a state of half barbarism and half civilization". For examples of similar comments or views on the west see also *Synoptic*, 1889, pp.70, 94-95, speaker: Phinney; and pp. 98-9, speaker: Ritchie.
310. *Synoptic*, 1899, p.66; speaker: J.P. Hazen.
311. *Ibid.*, 1889, p. 90; speaker: Blair. While he does not note the date, he must mean 1881, as this is when the Isle of Man enfranchised unmarried and widowed women with property. New Zealand was the first country under the British monarchy to grant universal suffrage to women.
312. *Ibid.*, 1913, p. 22; speaker: Munro, referring to opponents' arguments.
313. Clarke, p. 142.
314. *Synoptic*, 1894, p. 158; speaker: Pitts.
315. Clarke, p. 145. See pp. 144-6 for a discussion about the relative importance of the First World War to the women's suffrage movement's final victory. She notes that the war was not the cause of the victory, but "a catalyst in changing anti opinions both inside and outside the legislative assembly", p. 145.
316. *Synoptic*, 1895, p.96; speaker: Emmerson.
317. Clarke, p. 145. She uses the term "tidy rationalization".
318. Carol Lee Bacchi, *Liberation Deferred: The Ideas of the English-Canadian Suffragists*, 1877-1918 (Toronto, 1983) p. 134.
319. See, for example, the Foster government's appeal to farm women in an advertisement in *The Daily Gleaner*, October 5, 1920. The Liberals noted how under their administration the Women's Institutes had been increased and flattered the institutes' members by noting their "good work in bettering conditions on the farm". This ad is reproduced in Arthur T. Doyle's *Front Benches & Back Rooms* (Toronto, 1976), p.221.
320. See also Aileen S. Kraditor, *Up From The Pedestal* (Chicago, 1968),p. 291.
321. Proceedings of the Women's War Conference, February, 1918, received in correspondence from Gail Cuthbert Brandt, York University.
322. Gail Cuthbert Brandt, " 'Pigeon-Holed and Forgotten': The Work of the Subcommittee on the Post-War Problems of Women, 1943", *Histoire Sociale-Social History*, 15, 29 (1982), 239-259.
323. Ella Hatheway, letter to the editor of the *Globe*, Saint John, April 15, 1912, p.7.
324. Rayanne Brennan, "Women have had long, hard struggle in politics", *The Bugle*, Woodstock, June 6, 1984, p.1. Interview with Carolyn Chase, Woodstock, January, 1985.
325. *Ibid.*, and *The Canadian Parliamentary Guide* (Ottawa, 1926) p.293.
326. *L'Evangéline*, "Salaires des instituteurs, représentation acadienne et autre chose encore", January 21, 1926, p.1.
327. Anonymous, "Pour ou contre le vote des femmes?", *Le Fermier Acadien*, pp. 29-30. Translation by author, with paraphrasing. Also see Marie-Claire Pitre's unpublished manuscript on the history of Acadian women for information on reaction to this article, as well as discussion of other articles

on woman's place and role published both earlier and later in *L'Evangéline* and *Le Moniteur acadien*.

328. For more information on Frances Fish, see Don Hoyt's article, "Ahead of her Time: Frances Fish, Pioneer Woman Lawyer", *The Telegraph-Journal*, February 16, 1963. (Fish Family CB, New Brunswick Museum, Archives Department, Saint John.) For election results see Robert E. Garland's, *Promises, Promises...An Almanac of New Brunswick Elections, 1870-1980* (Saint John, 1979), p. 125.
329. Oral evidence from interview with Muriel Fergusson, August, 1984. For more information on Fergusson, see Mary Peck, "Lawyer and Parliamentarian: the Honourable Muriel McQueen Fergusson", *The Bitter with the Sweet: New Brunswick 1604-1984* (Tantallon, N.S., 1983), pp.157-164.
330. Garland, pp. 133, 214.
331. Campbell, pp. 105-106. *The Municipalities Act* was the act amended.
332. Gerald Childs, "N.B.'s First Woman Mayor Hopes She Won't Be The Last", *The Telegraph-Journal*, Saint John, June 17, 1967. (Women in Public Life CB, New Brunswick Museum, Archives Department, Saint John.)

## Chapter II: "And Justice I Shall Have"

1. The author would like to acknowledge Linda Silver Dranoff's work, *Women in Canadian Law* (Toronto, 1977) which provided a model for the general legal survey that follows.
2. Dranoff, p. 18.
3. M.Bryden, *University of New Brunswick Law Journal*, 14 (1964), 60.
4. *The Acts of the General Assembly* (henceforth *Acts G.A.*), 1824, chap. 3.
5. W. Peter Ward, "Unwed Motherhood in Nineteenth Century English Canada", *Canadian Historical Association, Historical Papers* (1981), 40.
6. *Ibid.*, 44.
7. Léon Thériault, "Les Missionnaires et leurs paroissiens dans le nord-est du Nouveau-Brunswick 1766-1830", *Revue de l'Université de Moncton*, 9, 12/13 (1976), 46.
8. *Criminal Code* (Toronto, 1915), Section 305, p.330.
9. J.C. Martin, *The Criminal Code of Canada* (Toronto, 1955), sec. 204, p. 393.
10. Public Legal Information Services, Inc. (henceforth P.L.I.S., Inc.), *Manners, Morals, & Mayhem*, ed. David A. Townsend (Fredericton, 1985), p.45.
11. Alphonse de Valk, *Morality and Law in Canadian Politics: The Abortion Controversy* (Dorval, 1974), p.2.
12. *Ibid.*, pp.2-3.
13. John Upton Terrell and Donna M. Terrell, *Indian Women of the Western Morning* (New York, 1976), p. 131; L.F.S. Upton, *Micmacs and Colonists: Indian-White Relations in the Maritimes, 1713-1867* (Vancouver, 1979), p.6. Evidence from oral history, Alma Brooks, New Brunswick Native Indian Women's Council, August, 1984.

14. Marvin A. Zuker and June Callwood, *The Law is Not for Women!* (Toronto, 1976), p.28.
15. Interview with Donald Poirier, Université de Moncton, November, 1984.
16. Hunter v Hunter, *Reports of Cases Decided in the Supreme Court of New Brunswick*, 10 (1861-1863), 626, 608, 595.
17. Dranoff, p. 102.
18. P.L.I.S., Inc., pp. 56-57.
19. Interview regarding evolution of custody cases with Donald Poirier, November, 1984.
20. Eric Teed, "The Incapacity of a Married Woman to be a Next Friend or Guardian Ad Litem", *University of New Brunswick Law Journal*, 7 (1954), 29-31.
21. W.L. Hoyt,"Some Aspects of Married Women's Property", *University of New Brunswick Law Journal, 13 (1961), 32-39.*
22. *Ibid.*
23. Dranoff, p. 45.
24. Hoyt, 33.
25. P.L.I.S., Inc., p.54.
26. Hoyt, 34.
27. Dranoff, p. 52.
28. *Ibid.*
29. *Ibid.*
30. *Ibid.*, p.53.
31. *Ibid.*
32. *Ibid.*
33. *Report of the Royal Commission on the Status of Women in Canada* (Ottawa, 1970), p. 246.
34. Dranoff, p.62.
35. *Ibid.*
36. *Ibid.*
37. *Ibid.*
38. *Ibid.*
39. *Acts G.A.*, 1834, chap. V, sec, XI.
40. P.L.I.S. Inc., p. 51. In 1860, New Brunswick reenacted the divorce section of the 1791 act in an "Act to Amend the Law Relating to Divorce and Matrimonial Causes," reaffirming England's initiative to codify common law in 1857.
41. Dranoff, p. 66.
42. *Ibid.*, p. 97.
43. *Ibid.*, p. 65.
44. D.C. McKie, B. Prentice, P. Reed, *Divorce: Law and the Family in Canada* (Ottawa, 1983), p.52.
45. Dranoff, p.47.
46. *Ibid.*
47. *Ibid.*
48. Nanciellen Davis, " 'Patriarchy from the Grave': Family Relations in 19th Century New Brunswick Wills", *Acadiensis*, 13, 2 (1984), 92.
49. *Ibid.*, 95.
50. "Intestate Succession Act", *New Brunswick Statues* (1926), chap. 10.
51. P.L.I.S., Inc., p.62.
52. Notice, *Daily Sun*, Saint John, December, 1884. Also see Mary Peck's *The Bitter with the Sweet: New Brunswick 1604-1984* (Tantallon, N.S., 1983), pp. 131-132.
53. *Ibid.*, and P.L.I.S., Inc., p.62.
54. "Premier chèque aux mères nécessiteuses", *La voix d'Evangéline*, December 16, 1943, p.1. Veronica Strong-Boag, "Canada's Early Experiences with Income Supplements: the Introduction of Mothers' Allowances", *Atlantis*, 4, 2 (1979), 38.
55. J.E. Picot, *A Brief History of Teacher Training in N.B. 1848-1973* (Fredericton, 1974).

56. Katherine F.C. MacNaughton, *The Development of the Theory and Practice of Education in New Brunswick: 1784-1900* (Fredericton, 1947) p. 140.
57. "Martha Hamm Lewis Goes to Normal School", *The Educational Review* (October, 1931), 7.
58. Picot, p.17.
59. *Ibid.*, p. 41.
60. Interview with Soeur Marie-Dorothée, Religieuses de Notre-Dame du Sacré-Coeur, Moncton, June, 1985.
61. John G. Reid, "The Education of Women at Mount Allison, 1854-1914", *Acadiensis*, 12, 2 (1983), 1.
62. Linda Squiers Hansen, *Those Certain Women* (Fredericton, 1982), p.6.
63. *Ibid.*
64. *Ibid.*, p.7.
65. W.A. Spray, *The Blacks in New Brunswick* (Fredericton, 1972), p.60.
66. Much of the information regarding the founding of a classical college for francophone women in New Brunswick was received in three interviews with Soeur Marie-Dorothée, Religieuses de Notre-Dame du Sacré-Coeur, Moncton, June 1985.
67. Soeur Marie-Dorothée, *Une pierre de la mosaïque acadienne* (Ottawa, 1984), p. 108.
68. See Susan Trofimenkoff's, "One Hundred and Two Muffled Voices: Canada's Industrial Women in the 1880's, *Atlantis* (Fall, 1977), pp. 66-82.
69. See Veronica Strong-Boag's discussion of minimum wage legislation in "The Girl of the New Day: Canadian Working Women in the 1920's", *Labour/Le Travailleur*, 4 (1979), 158-163.
70. Statistics Canada, "Minimum Wage Rates for Employees, New Brunswick, Effective Dates 1950 to 1984", Table C-4, *Historical Statistics of New Brunswick*, p. 52.
71. Alison Prentice, "The Feminization of Teaching", *The Neglected Majority: Essays in Canadian Women's History*, ed. Susan Mann Trofimenkoff and Alison Prentice (Toronto, 1977), pp. 49-65.
72. Picot, p. 61.
73. "Le traitement des institutrices", *L'Evangéline*, March 13, 1919, p.1. An article published in *L'Evangéline*, April 28, 1919, p.3 reveals that the newspaper supported equal pay scales for female and male teachers.
74. R. Philip Campbell, *Challenging Years 1894-1979: 85 Years of the Council of Women in Saint John* (Saint John, 1979), p. 19.
75. *Ibid.*, and Mary Eileen Clarke, "The Saint John Women's Enfranchisement Association 1894-1919" (unpublished M.A. thesis, University of New Brunswick, 1979), p. 78.
76. See Health & Welfare Canada, *Day Care, a Resource for the Contemporary Family* (Ottawa, 1982).
77. Statistics Canada, "Labour Force Activity of the Female Population 15 years and over by presence of children 1981", SPE 81 b11, p.3273.
78. Canadian Advisory Council on the Status of Women, "Canadian Prostitution Law 1839 to 1972", *Prostitution in Canada*, p. 15. Much of the late 19th century and early 20th century information was gleaned from this chapter.
79. Martin, p. 233.
80. Esther Clark Wright, *The St. John River and Its Tributaries* (n.p., 1966), p. 97.
81. The facts in this section on slavery were gleaned from D.G. Bell's "Slavery and the Judges of Loyalist New Brunswick", *University of New Brunswick Law Journal*, 31 (1982), 9-42 and Spray's, *The Blacks in New Brunswick*, pp. 23-26.
82. Robin W. Winks, *The Blacks in Canada* (Montreal, 1971), p.108.
83. Bell, p. 24.
84. *Ibid.*, p. 31.

85. In RE Mabel P. French, *Reports of Cases Determined by the Supreme Court of New Brunswick*, 38 (1905), 359.
86. *Ibid.*, 361-362.
87. *Ibid.*, 365-366.
88. *Ibid.*, 371.
89. Roberta J. Pazdro, "Of British Columbia Suffragists and Barristers", *Canadian Women's Studies*, 2, 4 (1980), 17.
90. Kathleen Jamieson, *Indian Women and the Law in Canada: Citizens Minus* (Ottawa, 1978), pp. 67-68.
91. Sally M. Weaver, "The Status of Indian Women", *Two Nations, Many Cultures* (Scarborough, 1983), pp. 58 -59.
92. *Ibid.*, p.61.
93. Pamphlet: *Native Indian Women and Section 12(1)(b)*, printed through efforts of aboriginal women in New Brunswick to raise funds for the Native Women's Committee, c/o National Action Committee on the Status of Women, Toronto.
94. Weaver, p.66.
95. Information on the Tobique band office occupations was gleaned from interviews with several of the women involved: Bet-te Paul, Glenna Perley, Juanita Perley, Tobique Reserve, August, 1984, and news articles of the time, including articles which appeared frequently in the Saint John *Telegraph Journal* between July and December 1977, in the *Victoria County Record*, December 5, 1979, p. 5 and December 12, 1979, the *Status of Women News*, Fall, 1981, p.7 and Suzette Couture, "Question of Status", *Today*, November 29, 1980, p.6.
96. The facts regarding Sandra Lovelace's correspondence with the U.N. Human Rights Committee have been gleaned from: *Selected Documents in the Matter of Lovelace versus Canada Pursuant to The International Covenant on Civil and Political Rights*, New Brunswick Human Rights Commission, 1981.
97. Information on the Native Women's Walk was gleaned from articles of the time, including Couture, pp. 5-7, and relevant correspondence received by the New Brunswick Advisory Council on the Status of Women regarding the walk.
98. Couture, p.5.
99. See Dranoff, pp. 96-97 for discussion of women and citizenship.
100. Peck, p. 161. Also from interview with Muriel Fergusson, August, 1984.
101. Saint John *Gazette*, September 2, 1796, p.3.
102. P.L.I.S., Inc., p. 96.
103. Rita Godin, "La femme et la profession juridique au Nouveau-Brunswick: Quelques statistiques", *Egalité: revue acadienne d'analyse politique*, 10 (1983), 123, 126.
104. M. Louise Lynch, "Women in the Law", *University of New Brunswick Law Journal*, 3,1 (1950), p.16.

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"You might as well attempt to dam Niagara as to stop this agitation."

An 1899 Saint John politician.

The agitation for women's legal and political rights in New Brunswick, still with us today, began hundreds of years ago. *We, the undersigned* gives part of the untold history of the province's female founders, of 200 years of challenges to the laws and accepted ideas about women.

Hundreds of petitions, some signed by over 10,000 New Brunswickers in the 1890s, are evidence that women's rights have a lively history. The right to vote was a key issue that took 50 years of efforts, but it was only one of many battles in women's history. In 1905 Mabel French passed her law exams but was rejected as a lawyer because she was not a person. Martha Hamm Lewis wore a veil to train as New Brunswick's first female teacher. Marichette wrote her lively essays on women's rights in a newspsper adamantly opposed to women's vote years after it was won. Discriminatory laws based on the notion of women as property survived until the 1980's.

The ongoing struggle to gain equal rights for women already has a long history of progress. *We, the undersigned* documents some of the early issues and actors in women's history in New Brunswick.

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